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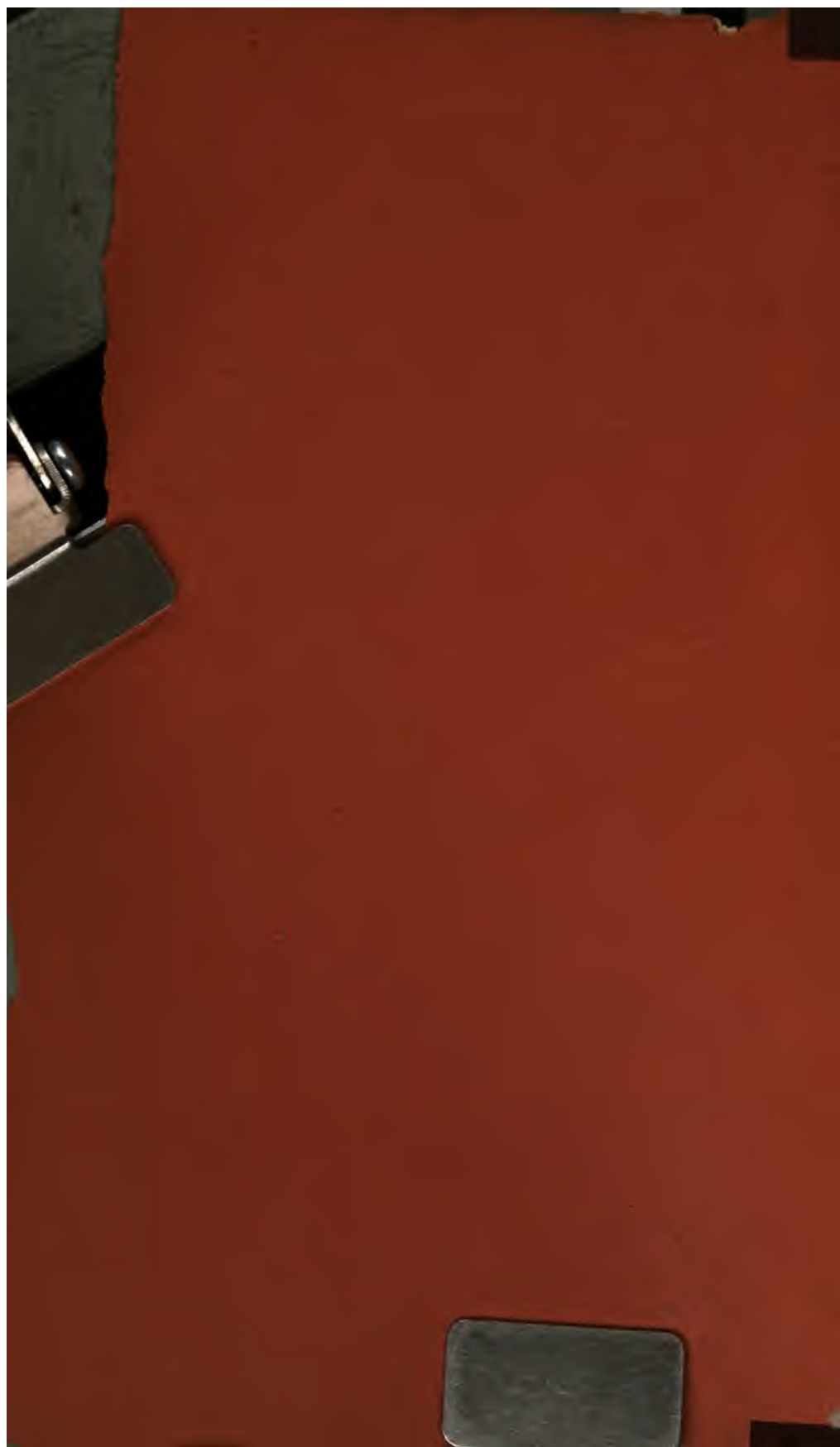
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Annual report.
1912-1913.

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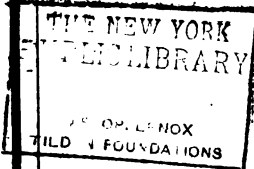


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REPORT
OF THE
COMMISSION
ON
ECONOMY AND EFFICIENCY

DECEMBER 31, 1912

ROOMS 109 AND 110, STATE HOUSE



BOSTON
WRIGHT & POTTER PRINTING CO., STATE PRINTERS
18 POST OFFICE SQUARE
1913

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18 POST OFFICE SQUARE
1913

APPROVED BY
THE STATE BOARD OF PUBLICATION.

The Commonwealth of Massachusetts.

COMMISSION ON ECONOMY AND EFFICIENCY.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled.

In pursuance of the provisions of chapter 719 of the Acts of the year 1912, approved by His Excellency Eugene N. Foss, June 6, 1912, the Commission on Economy and Efficiency herewith submits its first annual report from the date of organization, Nov. 21, 1912.

On Nov. 13, 1912, the Governor designated and appointed as chairman Norman H. White of Brookline, and Francis X. Tyrrell of Chelsea a member of this commission. According to the statute, the Auditor of the Commonwealth, John E. White of Tisbury, is the third member of the commission.

On Nov. 20, 1912, the Commission on Economy and Efficiency was duly sworn, and on Nov. 21, 1912, was organized.

On Dec. 23, 1912, Mr. Ernest H. Maling, of the staff of the President's Commission on Economy and Efficiency, commenced his duties as secretary for the Massachusetts Commission on Economy and Efficiency.

Since organization on Nov. 21, 1912, daily meetings have been held temporarily in Room 445, State House. On December 26 the commission moved into rooms 109 and 110, State House, where it is now permanently located.

In the brief space of time from the date of organization to the printing of this report, the commission has had conferences with many of the heads of departments, trustees, boards and commissions, including the following:—

Trustees of the Lowell Textile School.
Ballot Law Commission.
Board of Registration in Dentistry.

Board of Registration in Pharmacy.
Commissioner of Public Records.
Board of Registration in Veterinary Medicine.
Massachusetts Commission for the Blind.
New England Industrial School for Deaf Mutes.
Board of Prison Commissioners.
Free Public Library Commissioners.
Treasurer and Receiver General.
Commissioner of Weights and Measures.
Trustees of the State Library.

These conferences are necessarily incidental to the work of the commission as outlined by the statute, and the commission has already undertaken the labor of collecting information concerning the various boards, commissions, institutions and undertakings upon the following subjects: —

1. Laws establishing and affecting the various boards, departments, institutions or undertakings.
2. Classification of work.
3. Organization.
4. Personnel, including an examination of the number of persons employed in various occupations, administrative officials, clerks, accountants, stenographers, mechanics, laborers, skilled and unskilled, etc.
5. Examination of business and administrative methods, including machinery, appliances, equipment, and ways and means for the conduct of business.
6. An examination of the methods of keeping accounts and rendering financial reports, and the preparation of statements of their expenses and cost.

In the short time in which the commission has been in existence it has been able to lay only a foundation for the above work, and it is impossible to render at this time reports which will eventually be made concerning the subjects designated in the statute.

The commission received promptly, on Dec. 15, 1912, from the Auditor of the Commonwealth, the estimates of the amounts requested by the various departments and undertakings for the fiscal year ending Nov. 30, 1913, together with the appropriations of said departments, institutions and undertakings for the

fiscal year ending Nov. 30, 1912, and the expenditures and unexpended balances of the same as of Nov. 30, 1912; and also has received from the Auditor, Dec. 15, 1912, promptly, according to law, recommendations from certain heads of departments, boards, commissions and trustees of institutions for appropriations from the treasury of the Commonwealth for special appropriations, as outlined in the act creating the commission, which act is appended hereto.

It is clearly not expedient or possible for the commission in such a short space of time to render a report on these estimates.

The commission has asked for an appropriation for the fiscal year Dec. 1, 1912, to Nov. 30, 1913, of \$28,500, of which \$8,500 is for salaries of the two paid commissioners and \$20,000 is for other salaries and expenses.

It is impossible to forecast what the expenses of the commission will be. The amount asked for may not be sufficient to carry on the work of the commission as such work develops, and aside from its regular work the commission may be called upon at any time by the Legislature, by the Governor, by the Council or by the Ways and Means Committee to make exhaustive investigations and reports on any and all of the State's undertakings, commissions, boards, etc., and such investigations and reports may require the employment of experts, accountants, engineers, legal advisers, clerks, assistants, etc.

The expenses of the commission from Nov. 21, 1912, the date of organization, to Nov. 30, 1912, the end of the fiscal year, were as follows:—

| | | |
|----------------------------|-----------|----------|
| Salaries of commissioners, | | \$259 72 |
| Salary of stenographer, | | 15 60 |
| Traveling expenses, | | 77 55 |
| | | <hr/> |
| Total, | | \$352 87 |

Respectfully submitted,

NORMAN H. WHITE, *Chairman.*

FRANCIS X. TYRRELL.

JOHN E. WHITE.

APPENDIX.

CHAPTER 719, ACTS OF 1912.

AN ACT TO ESTABLISH A COMMISSION ON ECONOMY AND EFFICIENCY FOR THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. The governor, with the advice and consent of the council, shall appoint a commission on economy and efficiency for the commonwealth, to consist of three persons, qualified voters of the commonwealth, one of whom shall be the auditor of the commonwealth. The chairman shall be designated by the governor, shall be appointed for the term of two years from January first, nineteen hundred and twelve, and shall receive a salary at the rate of five thousand dollars per annum. The chairman shall give his whole time to the work of the commission. The other member shall be appointed for a term of one year from January first, nineteen hundred and twelve, and shall receive a salary at the rate of thirty-five hundred dollars per annum. Annually thereafter the governor, with the advice and consent of the council, shall appoint one member to serve for two years. Any vacancy shall be filled by the governor, with the advice and consent of the council, for the unexpired term, and at the expiration or other determination of the term of the person designated as chairman the governor shall designate a person to serve as chairman. In all cases a member shall continue to serve until his successor is appointed and qualified. The members of said commission may be removed by the governor, with the advice and consent of the council.

SECTION 2. Said commission may employ a secretary and such experts, clerks and other assistants, and may pay them such salaries, and may incur such other expenses as it may deem necessary and proper, not exceeding the sum of ten thousand dollars in the year nineteen hundred and twelve, and not exceeding thereafter such sum as may be appropriated for that purpose by the general court. All appointments under this section shall be in accordance with the rules of the civil service commission.

SECTION 3. Every officer or board having charge of any department, institution or undertaking which receives an annual appropriation of money from the treasury of the commonwealth, including annual appropriations to be met by assessments, shall, annually, on or before the fifteenth day of November, submit to the auditor of the common-

wealth, statements showing in detail the amounts appropriated for the current fiscal year, estimates of the amounts required for the ensuing fiscal year, with an explanation of the reason for any increased appropriation, and with citations of the statutes relating thereto, and the expenditures for the current year and for each of the two years next preceding. The said estimates shall not include any estimates for special purposes or objects. The auditor, on or before the fifteenth day of December in each year, shall submit to the governor elect and to the commission on economy and efficiency copies of the amounts so required by such departments, institutions or undertakings, together with a statement of the general appropriations for said departments, institutions or undertakings of the preceding fiscal year and the expenditures for the same and the unexpended balance as of the preceding thirtieth of November. The auditor shall further embody the statements received from those in charge of such departments, institutions or undertakings, together with his estimates for the ensuing fiscal year for the ordinary and other revenue of the commonwealth, in one document, and shall have the document printed and shall transmit the same to the general court for its action on or before the first Thursday of January of each year. Copies of this document shall be distributed to the members of the general court.

SECTION 4. Officers, heads of departments, boards, commissions and trustees of institutions, who, in their annual reports, or otherwise, recommend appropriations from the state treasury for special purposes or objects, including appropriations to be met by assessments, in addition to the ordinary running expenses, shall submit estimates thereof in detail to the auditor of the commonwealth on or before the fifteenth day of November in each year, and he shall classify and submit them to the governor elect and to the commission on economy and efficiency for their examination on or before the fifteenth day of December next succeeding, and shall have them printed in a public document, and shall transmit the same to the general court on or before the first Thursday of January of each year for its action.

SECTION 5. The commission on economy and efficiency shall examine the statements submitted to it by the auditor, showing the general and special appropriations asked for by those in charge of the various departments, institutions, boards and undertakings mentioned in sections three and four, and shall report thereon to the general court annually on or before the first Thursday in January, and at such other times as it may see fit, together with such facts, suggestions or recommendations as to any or all of the appropriations requested or the method of raising money for the same as it may deem expedient.

SECTION 6. On request of either branch of the general court or of the ways and means committee of either branch, or of the governor, or of the committee on finance of the governor's council, the commission shall make a special examination of any matter affecting the man-

agement or finances of any department, institution, board, undertaking or commission mentioned in section three, and on request shall give any information in its possession to either branch of the general court or to the ways and means committee of either branch or to the governor.

SECTION 7. The commission may make a special examination of the management or finances of any of the departments, institutions, boards, undertakings, or commissions mentioned in section three and may report thereon from time to time to the governor and council and to the general court, if it is in session.

SECTION 8. It shall be the duty of the commission to inquire into the laws governing the financial transactions of the commonwealth and to study into the possibility of promoting greater economy and efficiency and utility in the transaction of the business of the commonwealth by any changes in such laws, by the reorganization, consolidation or coordination of departments and institutions, by different methods of administration, by classification of employees, by fixing maximum and minimum salaries, by standardizing vacations, by organizing a central purchasing agency or department, by the substitution of the budget method of appropriating money or by any other means, and it shall report thereon from time to time to the governor and council and to the general court, if it is in session.

SECTION 9. For the purpose of this act and in order to provide information which shall serve as a basis for legislation, the commission shall have the power to require the attendance and testimony of witnesses and the production of all books, papers, contracts and documents relating to any matter within the scope of any investigation authorized by this act. Witnesses shall be summoned in the same manner and shall be paid the same fees as witnesses before the superior court. The chairman of the commission or any member thereof may administer oaths to, or take the affirmation of, witnesses and may prescribe rules and regulations for the conduct of hearings and the giving of testimony. If any person so summoned and paid shall refuse to attend, or to be sworn or to affirm, or to answer any question, or to produce any book, contract, document or paper pertinent to the matter of inquiry in consideration before the commission, a justice of the supreme judicial court or of the superior court, in his discretion, upon application by the commission or any member thereof authorized thereto by vote of the commission, may issue an order requiring such person to appear before the commission, and to produce his books, contracts, documents and papers and to give evidence touching the matter in question, and failure to obey such order of the court may be punished by such court as a contempt thereof. Any person summoned and paid who shall refuse to attend, or to be sworn or to affirm, or to answer any question, or to produce any book, contract, document or paper pertinent to the matter in consideration by the commission, and any person who wilfully interrupts or disturbs any hearing of the commis-

sion, or who is disorderly thereat, shall be punished by a fine not exceeding fifty dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment. Any person who wilfully swears or affirms falsely before the commission upon any point material to the matter of inquiry shall be guilty of perjury, and shall be subject to the provisions of sections one to five, both inclusive, of chapter two hundred and ten of the Revised Laws and amendments thereof. Upon application by the commission to any justice of the supreme judicial court, or of the superior court, the justice may issue a commission to one or more competent persons in another state for the examination of a person without this commonwealth relative to any matter within the scope of any investigation authorized by this act. The testimony of such person may be taken by open commission or otherwise under the procedure, so far as the same may be applicable, provided for by section forty-three of chapter one hundred and seventy-five of the Revised Laws, and the said justice may issue letters rogatory in support of said commission. Nothing in this act shall be construed to compel any person to give any testimony or to produce any evidence, documentary or otherwise, which may tend to incriminate him.

SECTION 10. The commission shall make a report to the governor and council and to the general court in January of each year, showing the work done by it during the preceding year, together with such facts, suggestions or recommendations as to the finances or management of any or all of the departments, institutions, boards, undertakings or commissions of the commonwealth, as it may see fit, and shall report on or before the first Thursday in January, nineteen hundred and thirteen, what changes if any in the laws it deems advisable in relation to its existence, organization, powers or duties. Any suggestions for legislation shall be accompanied with drafts of the bills recommended.

SECTION 11. Chapter two hundred and twenty of the acts of the year nineteen hundred and ten and all acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 12. This act shall take effect upon its passage. [*Approved June 6, 1912.*]

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ANNUAL REPORT

OF THE

COMMISSION

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ECONOMY AND EFFICIENCY

FOR THE

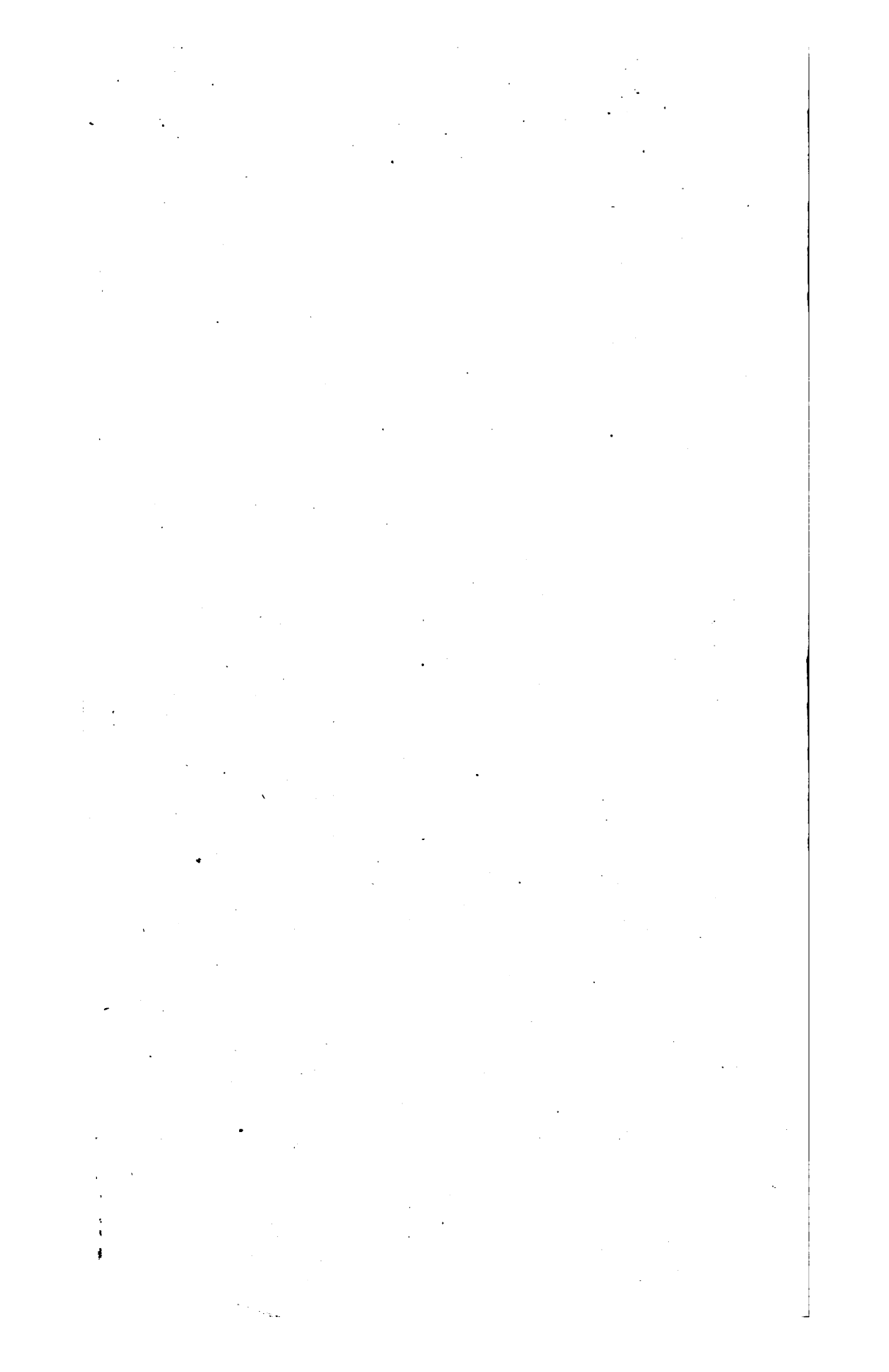
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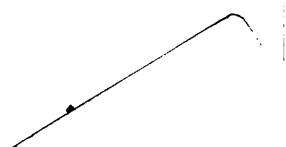


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ANNUAL REPORT

OF THE



COMMISSION

ON

ECONOMY AND EFFICIENCY

FOR THE

YEAR ENDING DECEMBER 31, 1913.



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1914.

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APPROVED BY
THE STATE BOARD OF PUBLICATION.

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COMMISSION ON ECONOMY AND EFFICIENCY.

JOHN N. COLE, *Chairman*, . . . Term expires Jan. 1, 1916.
FRANCIS X. TYRRELL, . . . Term expires Jan. 1, 1915.
JOHN E. WHITE, *Auditor*, . . . Member ex officio.

ERNEST H. MALING, *Secretary*.

The Commonwealth of Massachusetts

SECOND ANNUAL REPORT

OF THE

COMMISSION ON ECONOMY AND EFFICIENCY

PART I

STATE HOUSE, BOSTON, Dec. 1, 1913.

To the General Court of Massachusetts.

In preparing a report of the first year's work by the Commission on Economy and Efficiency, it has seemed wise to cover, in pretty complete detail, both the special work performed by the commissioners and the routine office work connected with the administration of the department.

It is hoped that a twofold purpose may be realized by this detailed record. Not only can the work of the commissioners be brought to the attention of the Legislature and the general public, but the positions that the commission has taken upon questions brought to its attention for official action can thus be best set forth by such recommendations as the commissioners have made, and such findings as they have reported, dealing with the problems as they have actually existed during the year closing Nov. 30, 1913.

Inasmuch as none of these official communications bears any signatures, the attention of those interested is called to the personnel of the commission as it has been constituted during the past year.

Mr. Norman H. White, originally appointed to serve as chairman of the Board, occupied that position until April 7, 1913, upon which date he resigned, his associates on the Board being Mr. Francis X. Tyrrell and Auditor John E. White, *ex-officio* member. From the date of the resignation of the chairman, the active work of the Board was carried on by Commissioner Tyrrell and his associate, Auditor White, until the appointment

of the present chairman, Mr. John N. Cole, who took up the work on Aug. 20, 1913.

Among the first important tasks undertaken by the commission was a broad and thorough investigation into the functions, classes of work, organization and administration of all State departments, bureaus, commissions and undertakings. Owing to the large number of reports requested by legislative committees and other authorized officials, it was impossible to push this work beyond its preliminary stage until after the close of the Legislature. Changes in the personnel of the commission itself further handicapped such a complete organization of the department as was necessary for the carrying on of the work.

This work has, however, been given large consideration during the past three months, and full reports upon some of the most important departments involved in the investigation will be made in special reports to be issued by the commission early in 1914.

Acknowledgment is here made of the efficient and hearty co-operation of the office force in the trying work of organizing the department.

The routine work coming before the Board almost daily is covered only in part by the review of the official communications which follow. Consultations have been held with every department of work in the Commonwealth responsible for the expenditure of money. Visits have been made to nearly every institution in the Commonwealth, by the chairman and Commissioner Tyrrell, and familiarity has been gained with the methods employed by different departments and the character of work performed by different institutions, which cannot fail to be of great advantage to the commissioners in performing their duties as an advisory board in the preparation of the necessary appropriations to be made by the in-coming Legislature.

In preparing this report of the work of the commission, it has seemed best to arrange the material according to subject-matter rather than chronologically. Under each of the titles "Salaries," "Extra Compensation" and "Educational Matters," are given several reports containing recommendations which the commission has made to the Legislature, or some committee thereof, or the Governor. Following the reports on these subjects are given several reports, each of which deals with a distinct subject, such as care of public records, housing conditions, Ballot Law Commission, etc.

In addition to such reports as are presented in this volume the commission has submitted during the year to the Legislature, legislative committees or the Governor fifteen typewritten reports, and has made oral recommendations to the ways and means committee of the House on practically all requests for special appropriations which were not covered by written reports. The commission has furthermore consulted with and made recommendations to the heads of many State departments and institutions concerning the work and administration of their respective branches of the State service.

SALARIES OF STATE OFFICIALS AND EMPLOYEES.

The commission is preparing a special report relating to the standardization of the salaries paid to different employees of the Commonwealth, classified by the nature of the service rendered. The importance of this work, and the attitude of the commission in dealing with such questions, which come before the Legislature in increasing numbers from year to year, can probably be seen in no other way more clearly than by presenting the work of the commissioners in connection with the matter of increasing salaries and paying for extra compensation during the past year.

Under date of April 14, 1913, in response to a request from the executive office, the commission submitted a statement with relation to a bill proposing an increase of salary for the agent of the Board of Prison Commissioners.

MY DEAR GOVERNOR FOSS:— In compliance with a request from your secretary, Mr. John C. Sherman, dated April 12, for a report on House Bill No. 2190, the Commission on Economy and Efficiency herewith submits the following statement. House Bill No. 2190 reads as follows:—

SECTION 1. The annual salary of Elizabeth A. Quirk, agent of the board of prison commissioners, shall be twelve hundred dollars, to be so allowed from the first day of January in the year nineteen hundred and thirteen.

SECTION 2. This act shall take effect upon its passage.

This bill has been favorably reported by the House committee on ways and means, and is a substitute for House Bill No. 577, which provided for an increase in the salaries of the four men agents employed by the Prison Commission, as well as in the salary of Miss Quirk. The present salaries of the several agents of the Board of Prison Commissioners, together with the extra compensation paid them during 1912, are as follows:—

| NAME. | Salary. | Special Compensation. | Totals. |
|-------------------------------|---------|-----------------------|---------|
| George E. Corwall, | \$1,600 | \$50 | \$1,650 |
| Philip T. Davis, | 1,200 | 400 | 1,600 |
| Eugene B. Sleeper, | 1,200 | 200 | 1,400 |
| Forrest C. Palmer, | 1,200 | 100 | 1,300 |
| Elisabeth A. Quirk, | 1,000 | - | 1,000 |

House Bill No. 577 sought to increase the salaries of the first agent from \$1,600 to \$2,000, and provided that that agent should, in addition to his further duties, act as assistant secretary to the commission, and also to increase the salaries of the three men agents from \$1,200 to \$1,500, and to increase the salary of Miss Quirk from \$1,000 to \$1,250. The extra compensation which has been paid in the past to the male agents of the commission is for extra services in connection with the moving and transferring of prisoners.

Neither House Bill No. 577 nor House Bill No. 2190 seeks to make any change in the work or duties of the agents of the Board of Prison Commissioners. The duties of the male agents are specified in the statutes as follows (section 136, chapter 225 of the Revised Laws, as amended in section 1, chapter 212 of the Acts of 1903; chapter 295 of the Acts of 1909; and section 16, chapter 514 of the Acts of the year 1909):—

. . . shall endeavor to secure employment for prisoners who have been permanently discharged or released on permit from the state prison or the Massachusetts reformatory, provide said prisoners with needed assistance, and perform such other duties relative to such discharged or released prisoners as the board requires. They shall also obtain information for the board relative to prisoners who have been committed to institutions under its supervision, especially as to the details of their offences and their previous character and history.

The duties of the woman agent are defined in the statutes as follows (section 137, chapter 225 of the Revised Laws, as amended in chapter 235 of the Acts of the year 1905):—

. . . in rendering assistance to female prisoners discharged from the prisons in this commonwealth; she shall counsel and advise them, assist them in obtaining employment and, under the direction of the commissioners, may render them pecuniary aid.

Miss Quirk meets women prisoners upon their release from the reformatory and assists them in making arrangements for their travel and also in procuring work, homes, hospital treatment, etc. Once each month the women under her supervision report in person or by letter to the office. In many cases the women call more frequently to seek advice and assistance. Last year Miss Quirk had approximately 800 women under her supervision.

Taking into consideration the nature and quantity of the work performed by Miss Quirk, by the men agents of the Board and by probation officers and others who are engaged in similar work, and also taking into consideration

the compensation paid to these several employees, it seems to this commission that the proposed increase in the salary of Miss Quirk from \$1,000 to \$1,200 is justifiable. This commission, therefore, would recommend the approval of House Bill No. 2190 to establish the salary of Miss Quirk at \$1,200.

Under the same date, the following communications were sent to the House chairman of the committee on ways and means, in response to requests from that committee for reports on various bills seeking to increase the salaries of different State employees: —

SECRETARY OF TRUSTEES OF HOSPITALS FOR CONSUMPTIVES.

DEAR SIR: — In compliance with the request of the House committee on ways and means, dated March 31, 1913, the Commission on Economy and Efficiency is submitting herewith a report relative to the proposed act to increase the salary of the secretary employed by the Trustees of Hospitals for Consumptives (Senate Bill No. 373).

The proposed act reads as follows: —

SECTION 1. The trustees of hospitals for consumptives may fix the salary of their secretary at a sum not exceeding twenty-five hundred dollars per annum.

SECTION 2. This act shall take effect upon its passage.

This bill was accompanied by the following petition: —

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled.

The undersigned petitioners, citizens of Massachusetts, respectfully represent that whereas the death of the late chairman of the Board of Trustees of Hospitals for Consumptives, Dr. Arthur T. Cabot, having taken place in November, after the time when the estimates for maintenance of the Board had to be handed in, and

Whereas this untoward event has greatly increased the amount of responsibility and work of the secretary of the Board, Dr. John B. Hawes, 2d, the Board would recommend that the salary of said secretary be made \$2,500 per annum, as of Jan. 1, 1913.

DANIEL L. PRENDERGAST, *Chairman.*

ARTHUR DRINKWATER.

SIMON SWIG.

MRS. HOSEA M. KNOWLTON.

GEORGE A. DUNN.

ALBERT C. GETCHELL.

By H. N. STEARNS.

3 JOY STREET, BOSTON.

The work and duties of the secretary of the Trustees of Hospitals for Consumptives may be briefly stated as follows: —

1. To act on all applications of persons seeking admission to the State sanatoria, and to advise and assist such persons to receive proper treatment in the many instances where they are unable to gain immediate admission to the State institutions.

2. To supervise and direct the work of the agent of the Board who investigates the city and town institutions which seek the State subsidy for the care of tubercular persons.

3. To personally visit the State sanatoria and also those city and town institutions which receive or seek the State subsidy. These visits are not made at any specified time nor periodically, and are practically limited to investigating requests for State subsidy at such times as these requests are received, and to investigating complaints or criticisms.

4. To furnish information to physicians and others concerning the care of persons suffering from tuberculosis and concerning the maintenance of institutions for such persons. Dr. Hawes stated that he not only received many requests for such information at the office of the trustees, but also at his private office.

5. To act as the representative of the Board at conferences and meetings of societies, associations, etc., relative to tuberculosis.

6. To supervise the office force which consists of two regular employees and at times of additional employees temporarily appointed to perform extra work.

It is stated by the trustees and by the present secretary that the work is of such a nature that a specialist on tuberculosis is needed to fill the position of secretary. The amount of work has increased and the responsibility of the position as secretary is greater since the death of Dr. Cabot, the former chairman of the Board, who had been giving his full time to the work of the Board prior to his death. In the petition submitted by the trustees this fact is advanced as the reason for increasing the salary of Dr. Hawes, the present secretary of the Board. Upon investigation this commission has ascertained that Dr. Hawes, the present secretary, gives his forenoons to the work of the office of the trustees, and that he also gives a part of his afternoons and evenings to this work.

Dr. Hawes has a private practice which he conducts in addition to performing his duties as secretary of the Board. Dr. Hawes stated to this commission that his private practice is materially interfered with by his work as secretary of the Board, and he feels that the time he devotes to the position of secretary, together with his training and knowledge as a specialist on tuberculosis, entitles him to a salary of \$2,500 per annum.

Dr. Hawes was appointed to the position of secretary in 1907 at a salary of \$1,500 which was increased to \$2,000 in 1910.

The principal argument advanced for increasing Dr. Hawes' salary is the increased responsibility and work resulting from the death of Dr. Cabot, the former chairman, who gave his full time to the work of the trustees. This appears to be an inadequate reason, especially as the Legislature may decide to place the Trustees of Hospitals for Consumptives under the general supervision and control of the State Board of Health, with the result that some of the responsibility and work formerly borne by the Board of Trustees will be transferred to the Board of Health. It accordingly seems desirable, while such action is under contemplation, to make no increase in the salary of the secretary. It is furthermore important to note that the secretary of this Board has very slight administrative duties, and that his salary may be said to be in compensation for his services as a specialist on tuberculosis.

After giving due consideration to the work of the secretary of the Trustees of Hospitals for Consumptives, and to the salaries paid to other officials in the employ of the State, it is the conclusion of this commission that the salary

of the secretary of the Trustees of Hospitals for Consumptives should not be increased at this time, and it is accordingly recommended that Senate Bill No. 373, providing for such increase, ought not to pass.

DEPUTY SECRETARY OF COMMONWEALTH.

DEAR SIR: — In compliance with the request of the House ways and means committee, dated March 31, 1913, the Commission on Economy and Efficiency is submitting herewith a report relative to the proposed act to establish the salary of Herbert H. Boynton, deputy secretary of the Commonwealth.

This act reads as follows: —

SECTION 1. Herbert H. Boynton, deputy secretary of the Commonwealth, shall receive a salary of four thousand dollars a year, to be so allowed from the beginning of the current fiscal year.

SECTION 2. This act shall take effect upon its passage.

The salary of the first deputy secretary of the Commonwealth was \$2,500 per annum until Dec. 1, 1911, when it was made \$3,000 by chapter 522 of the Acts of the year 1912. During the twelve months ending July 1, 1912, the first deputy secretary of State, Mr. Isaac H. Edgett, received \$300 extra compensation for extra services.

The proposed act will give Mr. Herbert H. Boynton a salary of \$4,000 per annum as first deputy secretary of the Commonwealth, which is an increase of \$1,000 over the statutory salary for the first deputy as fixed by law (chapter 522 of the Acts of the year 1912).

Mr. Boynton was made first deputy secretary of the Commonwealth on Feb. 1, 1913. Prior to that time Mr. Boynton had served as second deputy. Mr. Boynton's salary was fixed at \$3,000 per annum, beginning with the first of the fiscal year of 1910 (chapter 66 of the Acts of the year 1910), and prior to that time his salary had been \$2,500 per annum.

Mr. Boynton received \$2,000 for extra services during the twelve months ending July 1, 1912. Of that amount \$1,000 was for the codification of election laws; \$800 for work in connection with the direct primaries; and \$200 for work in connection with elections.

The proposed act would give Mr. Boynton \$1,000 more than he drew as second deputy. It is to be noted that Mr. Boynton received \$5,000 from the Commonwealth during the twelve months ending July 1, 1912.

The late William M. Olin and former Secretary of the Commonwealth, Albert P. Langtry, and the present Secretary of State, Frank J. Donahue, have recommended an increase in salary for Mr. Boynton. The statement in the twenty-first annual report of the Secretary of the Commonwealth containing Mr. Langtry's recommendation is as follows: —

I recommend that the salary of Herbert H. Boynton, deputy secretary of the Commonwealth, be fixed at \$4,000 per annum. I do this because I believe that his salary is inadequate for the service required of him, and this belief is shared by the citizens of the Commonwealth, who have reason to know the extent of his duties and the splendid abilities which he brings to them. My predecessor, the late William M. Olin, said of Mr. Boynton in a report to the General Court, "His thoroughness and capacity for infinite painstaking is of the highest value," in which I heartily agree. His knowledge of the laws and his conspicuous service in connection with the details of State elections for the past seventeen years are

well known. The primaries, requiring the employment of more than 20 additional clerks, have added materially to his duties. Mr. Boynton has the direction, also, of the registration of vital statistics, the index, license and document divisions. His long and varied experience in the department, covering a period of thirty-seven years, makes his services of great value.

Hon. Frank J. Donahue in a memorandum submitted to this commission on April 1, 1913, made the following statement:—

I can add but little to what has repeatedly been said in the annual reports of my immediate predecessors concerning Mr. Boynton's efficiency. He has been in this office thirty-seven years and, as is generally known, is in charge of the elections division. His work in this connection has practically been doubled by the direct primary act of 1911, and to give him an increase from \$3,000 to \$4,000 would only put him on a par with Deputy Andrews of the Tax Commissioner's office, who has been in that office for five years; Secretary Kelso of the State Board of Charity, who has been employed in that position for three years; Superintendent Fee of the Department of Minor Wards in the State Board of Charity, who has been employed in that capacity for five and a half years, and Chief Clerk Rogers of the Metropolitan Park Commission, who has been the executive clerk of that Board for seventeen years. His length of service and the character of his work make him eminently deserving of the increase which former Secretary Langtry recommended and in which I heartily concur.

In considering this bill it is the opinion of this commission that careful consideration should be given to the practice which has obtained extensively throughout the offices and departments of the Commonwealth of granting extra compensation to State officials. This commission is of the opinion that such practice is open to severe criticism and is very liable to be abused. The commission wishes to state that no criticism is here intended of the allowances which have been granted to Mr. Boynton in the past, but believes that in considering the bill to establish his salary it is desirable to take into account the practice of paying officials for extra services and to at this time state that the commission believes that the practice should be discontinued not only in this case, but in the case of all other officials.

After careful consideration the commission recommends the passage of the bill to fix Mr. Boynton's salary at \$4,000 per annum, provided the bill is amended so as to stipulate that this salary is to be in full consideration for all services which Mr. Boynton may render the Commonwealth.

SECOND DEPUTY SECRETARY OF THE COMMONWEALTH.

DEAR SIR:—In compliance with the request of the House committee on ways and means, dated March 31, 1913, the Commission on Economy and Efficiency is submitting herewith a report relative to the proposed act to establish the salary of the second deputy in the office of the Secretary of the Commonwealth.

The proposed act reads as follows:—

SECTION 1. The salary of the second deputy secretary of the Commonwealth shall be three thousand dollars a year, beginning with the first day of February of the current year.

SECTION 2. This act shall take effect upon its passage.

The salary of Mr. Herbert H. Boynton as second deputy secretary of the Commonwealth was made \$3,000, beginning with the fiscal year 1910, by chapter 66 of the Acts of 1910. This act specifically establishes the salary of Mr. Herbert H. Boynton, and is not a general law establishing the salary of the second deputy. Prior to the passage of this act the salary of the second deputy secretary of the Commonwealth had been \$2,500 per annum since Jan. 1, 1908. With the appointment on Feb. 1, 1913, of Mr. Peter F. J. Carney as second deputy, the salary of this position again became \$2,500, which is the amount specified in the latest general law fixing the salary of the second deputy (chapter 561 of the Acts of 1908).

Hon. Albert P. Langtry recommended in his annual report for the year 1912 that the salary of Mr. Carney, who was then clerk in charge of the corporation division and who is now second deputy secretary of the Commonwealth, be fixed at \$3,000 per annum. Mr. Langtry's statement in that report is as follows: —

I recommend also that the salary of Peter F. J. Carney, in charge of the corporation division, be fixed at \$3,000 per annum. On account of recent legislation and an abnormal growth of business in the office, Mr. Carney's duties and responsibilities have been increased, in which it is conceded he displays especial ability, enhanced by his many years of experience.

Since this recommendation was made by Mr. Langtry, Mr. Carney has been made the second deputy secretary of the Commonwealth, and has also been continued as clerk in charge of the corporation division.

Hon. Frank J. Donahue has stated to this commission that it is his intention that Mr. Carney, in addition to performing the duties of second deputy, remain in charge of the corporation division. Mr. Donahue in a memorandum submitted to the commission on April 1, 1913, recommended the proposed increase in Mr. Carney's salary. Mr. Donahue's statement is as follows: —

The bill increasing Mr. Carney's salary is likewise based upon the recommendation of Mr. Langtry, which was made at a time when Mr. Carney was chief of the corporation division. Since then Mr. Carney has been appointed second deputy secretary of the Commonwealth, and besides taking on the onerous duties of that office (he being in charge of the legislative division) he is also supervising the corporation division. His present salary is fixed by statute at \$2,500. The salary of his predecessor, doing the same work, minus, however, supervision of the corporation division, was \$3,000; but the act fixing the salary at that figure was a personal one, applying only to the then incumbent.

The proposed act, if enacted into law, will establish the salary of the second deputy secretary of the Commonwealth at \$3,000, which salary has been paid to the occupant of this position for the past three years. In view of this situation, and of the additional fact that it is intended to have Mr. Carney, the new appointed second deputy secretary of the Commonwealth, act not only in that capacity, but also as clerk in charge of the corporation division, it seems to this commission that the measure proposed should be enacted into law providing however, the bill is amended so as to state that the proposed yearly salary of \$3,000 shall be in full payment for all services which may be rendered the Commonwealth by the second deputy secretary of the Commonwealth.

As stated in the report submitted by this commission on the bill proposing to

establish the salary of Mr. Herbert H. Boynton, deputy secretary of the Commonwealth, it is the opinion of this commission that the practice of granting additional compensation for extra services should be discontinued. No criticism is here intended of the allowance of extra compensation to Mr. Carney in the past, but it is believed that in considering the bill to establish his salary, attention should be called to the practice which has been prevalent of allowing extra compensation, and to urge that henceforth the salaries of State officials should be made adequate for the work imposed upon them and to do away with the necessity for granting extra allowances.

CLERKS AND MESSENGERS, IN OFFICE OF SECRETARY OF THE COMMONWEALTH.

DEAR SIR:—In compliance with the request of the House committee on ways and means, dated March 31, 1913, the Commission on Economy and Efficiency is submitting herewith a report on the proposed act relative to salaries of clerks and messengers in the office of the secretary of the Commonwealth.

The proposed act reads as follows:—

SECTION 1. Section two of chapter five of the Revised Laws, as amended by chapter three hundred and sixty-four of the acts of nineteen hundred and two, is hereby further amended by striking out the words "but no such additional clerks, messengers or assistants shall receive compensation at a rate exceeding twelve hundred dollars a year, except the present corporation clerk, who may receive a salary of sixteen hundred dollars a year, and the present engrossing clerk, who may receive a salary of fourteen hundred dollars a year," so that the section shall read as follows:—

Section 2. He may employ in his office a first clerk at a salary of twenty-five hundred dollars a year, a second clerk at a salary of twenty-two hundred dollars a year, a chief of the archives division at a salary of two thousand dollars a year, and such additional clerks, messengers and other assistants as may be necessary for the prompt dispatch of public business. The Secretary may also employ a cashier for whose conduct he shall be responsible, and from whom he may require a bond.

The salaries of the clerks and messengers in the office of the Secretary of the Commonwealth are now fixed by chapter 364 of the Acts of the year 1902. This law provides for salaries as follows:—

| | |
|---|---------|
| 1. First clerk, | \$2,500 |
| 2. Second clerk, | 2,200 |
| 3. Chief of archives division, | 2,000 |
| 4. Corporation clerk (present incumbent), | 1,600 |
| 5. Engrossing clerk (present incumbent), | 1,400 |
| 6. Cashier and such other clerks, messengers and assistants as may be necessary, at salaries not exceeding \$1,200 per annum. | |

The proposed act leaves unchanged the salaries of the first clerk, the second clerk and the chief of the archives division, and does not specifically provide for the positions of corporation clerk and engrossing clerk, but authorizes the employment of such clerks, messengers and assistants, in addition to the first clerk, second clerk and chief of archives division, as may be necessary for the prompt dispatch of business, and places no restriction upon the salaries to be paid such additional clerks, messengers and assistants.

The Secretary of State explained to the Commission on Economy and Efficiency that he found the restriction as to the amount which he may pay to be not only an inconvenience, but a real hardship on his office, in that valuable clerks, who have been thoroughly trained in the work of the Secretary of State's office, have resigned to accept positions in other State departments where they could receive a larger salary. The Secretary of State pointed out that it is desirable for him to be in a position where he can reward with promotion such clerks as, by long and faithful service and by handling important matters, had earned a promotion. Under the present law the Secretary of State has no authority to promote any clerk above the maximum salaries specified in the law, even though a clerk is clearly entitled to an increase in salary. The Secretary of State is at the present time the only elective official of the Commonwealth whose office is restricted by any such provision of law.

In a memorandum submitted to this commission on April 1, the Secretary of State has discussed this proposed act in the following words: —

The third bill, which applies to so-called extra clerks and messengers in the office, is also based upon the recommendation of Mr. Langtry. Except the engrossing clerk and the chief of the archives division, whose salaries are fixed by special statute, all the clerks in this office come under the \$1,200 limitation which was set in 1881 and applies to this department alone of all the departments of the State government. The result has been that on several occasions in the past the Secretary has been hampered in securing competent clerks. Valuable clerks have been lost to the office through the ability of other departments to pay larger salaries, and it has been impossible to properly reward faithful and efficient service. This bill, in itself, increases nobody's salary, but simply enables the Secretary of the Commonwealth, in his discretion, and if he has the funds available, to pay more than \$1,200 a year.

Mr. Donahue stated that he did not contemplate increasing the pay roll of his office if the proposed act was enacted into law, but that he did feel that it was highly desirable for him to have more power to determine compensation than he has under the existing law. Mr. Donahue further stated that he expected to make a small net reduction in the total pay roll of his office if the three bills which apply thereto are enacted into law, as the result of his plan to have Mr. Carney act as both second deputy secretary of the Commonwealth and as corporation clerk.

This commission concurs in the recommendation made by the present Secretary of the Commonwealth that the present restrictions as to salaries which may be paid the clerks and assistants in his office should be removed, and recommends the passage of the proposed act.

Under date of April 15, 1913, the commission complied with the request of the House committee on ways and means in the following communications relating to the salaries of the judges of the Land Court and the porters employed at the State House: —

JUDGES OF LAND COURT.

DEAR SIR: — In compliance with a request of the House committee on ways and means, the Commission on Economy and Efficiency respectfully submits the following report and recommendations relative to proposed

legislation upon the matter of salaries affecting the judges of the Land Court.

House Bill No. 983, introduced at the present session of the Legislature, is an act to establish the salaries of the judge and associate judge of the Land Court. The act is herewith given verbatim:—

SECTION 1. The salaries of the judge and associate judge of the land court shall hereafter be the same as the salaries paid from time to time to the associate justices of the superior court.

SECTION 2. This act shall take effect upon its passage.

The proposed legislation deals with a readjustment of the salaries of the judges of the Land Court upon the basis of compensation now paid the judges in the Superior Court.

The history of the land court covers a period of fifteen years. The court was created by chapter 562 of the Acts of the year 1898, and was known as the Court of Registration. By chapter 354 of the Acts of the year 1900 the name of the court was changed to that of the Court of Land Registration. Later, in 1904, by chapter 448 of the acts of that year the name of the court was again changed to that of the Land Court, which name it now bears.

Originally the court was one of inferior jurisdiction, and to its every order, decision or decree an appeal could be made to the Superior Court. The year following its creation, and in chapter 131 of the Acts of 1899, it was provided that questions of law should be taken directly from the Land Court to the Supreme Judicial Court. This legislation marked the initial step in the emancipation of the Land Court from the supervision and control of the Superior Court.

Further power was granted the Land Court in 1902 when, by chapter 458 of the acts of that year, the right of appeal to the Superior Court was cut down to an appeal only upon such issues as should be framed therefor in the Land Court. Again, further changes were made in the year 1910 when, by chapter 560 of the acts of that year, the appeal to the Superior Court was entirely abolished, and provision was made for the trial of jury issues from the Land Court in the same manner as such issues are tried from the equity side of the Superior Court.

In its present condition, therefore, the status of the Land Court may be thus briefly set forth. The court possesses exclusive and original jurisdiction upon all questions of land registration. As has been stated, from its decisions upon questions of law, an appeal is in order to the Supreme Judicial Court. Whenever a petitioner for registration in the Land Court desires a jury trial, to which of course he is entitled by law, an issue is framed in the Land Court, and arguments upon this issue in the form of a question of fact are tried before a jury in the Superior Court. With the adjudication of the question of fact, the work in the Land Court upon the particular case proceeds as originally planned, and the ultimate decision is rendered in no way amenable to the machinery of the Superior Court.

It should be noticed in this connection that the use of the jury in the Superior Court is to be understood in no manner as an appeal from the decision of the Land Court, but merely a use of the jury of the Superior Court to determine a question of fact, since the Land Court, like the equity and admiralty courts, possesses no jury. The Land Court, therefore, is an entity in itself. It is not in substance an arm or branch of the Superior Court, and, as has been

suggested, it is in no manner dependent upon the Superior Court save for the use of the jury machinery.

Relative to the matter of the jury aid for the Land Court, in determining questions of fact it might be well to state that while the petitioner for the registration of title in the Land Court has in theory the constitutional right to demand a jury, such right is seldom exercised, and the occasion for intrusion into the Superior Court for the use of the jury is a matter of rare occurrence.

The jurisdiction of the Land Court is primarily *in rem*. It is the real estate court of the Commonwealth. For the greater part of the year, sittings of this court take place in Suffolk County. Should, however, the convenience of the parties so require it, hearings may be arranged in any county of the Commonwealth. The extent of territory covered, therefore, is bounded only by the confines of the Commonwealth.

The functions of the Land Court are many and varied. It aims not only to render decisions upon matters of litigation, but also to prevent such litigation. There are no questions in practice that cover such territory or present so many complexities as examination and certification of land titles. This is true because almost every other feature of the law at some time or other enters into the question of land title, for example, the question of trust, construction of wills, restrictions and conditions imposed upon property, the rule against perpetuities, the rights of the public and individuals in streets and highways, rights concerning boundaries to properties, — all of which matters require consummate skill and untiring patience in the work of adjustment.

In the first year of the existence of the Court of Registration (now the Land Court) 21 cases were adjudicated. Last year the number of cases passed upon was 613, which represented something over \$6,867,000 worth of real estate. Figures setting forth the number of cases handled by the Land Court in any year are manifestly misleading, and cannot be taken in any manner as an accurate indication of the character of the work accomplished. There are many instances where in the adjudication of one case as many as seventeen or eighteen subordinate questions have been passed upon, each of which would form the subject-matter for a bill in equity or a proceeding in the Superior Court.

Were it not for the existence of the Land Court the duties and services now performed by the two judges of that court would have to be performed by the Superior Court judges, as was formerly the case, all the work of the Land Court having been transferred to it by removal from the Superior Court. If these land cases were intermingled with the Superior Court work there is no doubt but that it would not only take the time of more than two Superior Court judges, but the fact that the work was considered with the other work of the Superior Court would naturally mar the progress of the court and occasion, without doubt, a greater loss to the Commonwealth than would be represented by the increase of the salaries asked for in behalf of the judges of the Land Court. The justices of the Land Court handle nothing but matters which affect the registration of title to land. They are, therefore, in a position to dispatch such work with rapidity and accuracy.

The work of the Land Court is divided, in general, into what is known as contested and uncontested cases. Special assignments take the place of the general trial list of the Superior Court. The uncontested cases frequently consume more time than the contested, and in each case the work of the justice must be of the most minute and careful order. It is true that a great

deal of the work in the Land Court is what is known as lobby work, and although hidden from the knowledge of the general public it is, nevertheless, important. The duties of the justice in the land court do not end with a decision or with registration of title to land. All subsequent conveyances, whether by absolute transfer of title or mortgage, likewise attachments or liens upon registered property, are brought to the immediate attention of and are supervised by the recorder of the Land Court, who is in daily consultation with the justices.

In section 3 of chapter 562 of the Acts of the year 1898 (the act creating the Court of Registration) provision was made for the appointment of a judge and an assistant judge of this court. The salaries were fixed at \$4,500 and \$4,000 per annum. When the Legislature changed the name of the Court of Registration to that of the Court of Land Registration by chapter 354 of the Acts of the year 1900, the assistant judge was raised to the rank of associate judge. In 1906, by chapter 416 of the acts of that year, the salaries of the judge and associate judge of the Land Court were fixed at \$6,000 per annum each, which is the present rate of compensation.

It will be seen, therefore, that the personnel of the Land Court is to-day the same as when the court was created.

It has been noted that the number of cases handled during the first year of the life of the court was 21. Cases handled in the year 1912 numbered 613. With the increased work of the court as indicated by such figures the duties and responsibilities of the judges have developed to a marvelous degree. But one increase in the salaries of the judges was made, and that was in 1906 as has been stated.

The commission is firmly convinced that the nature of the work in the Land Court requires consummate skill and tireless patience in its arrangement and execution, and that the expert qualifications required of and possessed by the judges carrying on such work should be recognized by increased compensation. It is necessary, however, to criticize the phraseology of the measure hereinbefore referred to as advocating such change. In section 1 of House Bill No. 983 it is stated that "the salaries of the judge and associate judge of the land court shall hereafter be the same as the salaries paid from time to time to the associate justices of the superior court." Were this section enacted into law it would place the salaries of the justices of the Land Court upon the same plane with the salaries received by the justices of the Superior Court, and make the compensation of the Land Court justices amenable to the same changes as that which might be granted to the justices of the Superior Court.

It has been set forth in detail that the Land Court is an entity in itself. It is not an arm of the Superior Court. Its only relation with the Superior Court is in the assistance it occasionally seeks from such court for a jury adjudication of fact. In no other manner is it connected with the Superior Court. The Land Court is *sui generis*, and the merits of the officers of such court, as well as the court itself, should be considered apart from any other court of the Commonwealth.

A substitute bill is herewith recommended and incorporated in this report, and it reads as follows:—

SECTION 1. The salaries of the judge and associate judge of the land court shall be eight thousand dollars a year each.

SECTION 2. This act shall take effect upon its passage.

STATE HOUSE PORTERS.

DEAR SIR: — In compliance with a request of the House committee on ways and means, the Commission on Economy and Efficiency respectfully submits the following report and recommendation relative to House Bill No. 980, which would provide a yearly salary of \$900 for the porters employed at the State House. The bill was reported by the Senate Committee on Ways and Means with an amendment which placed the proposed compensation at \$820 per annum. As amended the bill reads as follows: —

SECTION 1. Each of the porters at the state house shall be paid an annual salary of eight hundred and twenty dollars, to be so allowed and paid from the first day of January in the year nineteen hundred and thirteen.

SECTION 2. This act shall take effect upon its passage.

Chapter 384 of the Acts of the year 1907 established the salary of the porters at \$780, which is at the rate now received. Each of the eight porters, therefore, is paid \$2.50 per day, including all holidays and vacation. The duties are not onerous and the salary received is adequate compensation for the work performed. The amount paid these men by the State is the same as that paid by the city of Boston and the county to the porters at city hall and at the court house. It is, with but one exception, materially in excess of the salaries paid the porters in any of the Boston offices of the United States government.

It is the conclusion of the commission that the present ratio of compensation awarded the porters is adequate, and the recommendation is herewith made that no favorable action be taken on the bill.

SALARIES OF DISTRICT POLICE.

Under date of April 25, 1913, the commissioners reported to the House committee on ways and means in connection with a bill proposing to increase the salaries of certain members of the District Police.

DEAR SIR: — In compliance with a request received from the House committee on ways and means under date of March 31, 1913, the Commission on Economy and Efficiency respectfully submits the following report and recommendation upon the bill (Senate Bill No. 344) accompanying the petition of Arthur E. Keating *et al* for an increase in the salaries of certain members of the District Police. The bill is herewith incorporated in this report and in its original form reads as follows: —

AN ACT TO REGULATE THE SALARIES OF CERTAIN MEMBERS OF THE DISTRICT POLICE.

Be it enacted, etc., as follows:

SECTION 1. The annual salary of the captain of the district police force, who shall rank next to the deputy chief in the detective department, shall be two thousand three hundred dollars. The annual salary of the chief fire inspector shall be two thousand three hundred dollars. The annual salary of all other members shall be one thousand five hundred dollars each for the first year of service; and all members who have served in the department five years or more shall receive

an annual salary of two thousand dollars, four years one thousand nine hundred dollars, three years one thousand eight hundred dollars, two years one thousand seven hundred dollars, and one year one thousand six hundred dollars.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

The original draft of the bill providing an increase in the salaries of all the members of the District Police was amended by the committee on public service so as to exclude altogether the inspection branch of the District Police, considering the matter of salary increase for the detective department only. The amended form of the bill is herewith submitted: —

SECTION 1. The annual salary of the captain of the district police force who shall rank next to the deputy chief in the detective department, shall be two thousand three hundred dollars. The annual salary of the chief fire inspector shall be two thousand three hundred dollars. The annual salary of all other members of the detective department shall be one thousand five hundred dollars each for the first year of service, and all members who have served in the department five years or more shall receive an annual salary of two thousand dollars, four years one thousand nine hundred dollars, three years one thousand eight hundred dollars, two years one thousand seven hundred dollars, and one year one thousand six hundred dollars.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Specific provision is made, and with no reference to length of service, for an immediate increase of \$500 each in the salaries of the captain of the District Police and the chief fire inspector.

The men employed in the detective department number 25. Of this total there are 17 members who have served five years or more, while but 4 men have been upon the pay roll less than one year. With such facts in view attention is directed to the tenor of the language employed in section 1 of the bill. Should this section become effective there would immediately result a bulk increase of \$500 each in the salaries of no fewer than 17 men; an increase of \$200 for one member now in the third year of service, as well as an advance of \$100 each for the three members now in the second year of service. It would therefore follow that 68 per cent. of the entire detective force would forthwith meet with an advance of not less than one-third of the salary now received.

The commission is opposed to legislation effecting an increase in compensation in the manner proposed in Senate Bill No. 344 as well as does it view with concern all salary measures which propose a substitute for or elimination of the more conservative and logical step-rate method of advance in compensation. Peculiar circumstances could well arise wherein an increase in the salary of any one particular individual should be considered in regard to unusual work performed or extraordinary qualifications possessed, but the case at hand is not embraced within this observation.

The attention of the committee is directed to the policy of considering separately the salary problem of one subordinate branch or division of any department of the Commonwealth, with no reference to or recommendation of other divisions embraced within such department. The effect of such policy is demoralizing.

The District Police department was organized by chapter 249 of the Acts of the year 1865. It was then provided that the work should be placed in charge of an official known as the "constable of the Commonwealth," to whom was awarded a compensation of \$2,000 per annum. Deputies, such as might be employed, were to receive compensation at the rate of \$3 per diem. The present rate of salary for members of the force was fixed by chapter 127 of the Acts of the year 1887. No subsequent increase has been made. The salary now received by the members of the force is in full consideration of all services rendered, as all fees obtained from whatsoever source are turned in to the treasury of the Commonwealth. The entire number now retained in all branches of the State Police department is slightly in excess of 80. From the standpoint of contributive justice, as well as in view of the sentiment expressed as a matter of record among all the branches of the service, it is clear that an increase of one division only would promote discord and dissension in the ranks and would operate to the general detriment of the department. The commission is not indifferent to the merits of the claims of the members for an increase in compensation. It is considered, however, inexpedient to approve of the measure submitted in original or amended form, and it is recommended, therefore, and without prejudice, that the request for legislation presented in the form herein described be denied.

SALARIES IN DEPARTMENT OF ANIMAL INDUSTRY.

Under date of April 28, 1913, the question of the necessary appropriations required for salaries and expenses of the Department of Animal Industry was covered in the following communication to His Excellency the Governor: —

DEAR SIR: — In compliance with your request of April 23 this commission herewith submits a report relative to House Bill No. 1983, being an act making appropriations for salaries and expenses in the Department of Animal Industry. This act reads as follows: —

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the commonwealth, from the ordinary revenue, for the department of animal industry for the fiscal year ending on the thirtieth day of November, nineteen hundred and thirteen, to wit: —

For the salary of the commissioner of animal industry, thirty-five hundred dollars. (Acts of 1912, chapter 608.)

(Appropriation, 1912, \$2,700 part of a year.)

For clerical assistance and other necessary office expenses, a sum not exceeding sixty-two hundred dollars. (Acts of 1912, chapter 608.)

(Appropriation, 1912, \$6,200.)

For compensation of inspectors of animals, a sum not exceeding seventy-seven hundred dollars. (Revised Laws, chapter 90, section 12.)

(Appropriation, 1912, \$7,700.)

SECTION 2. This act shall take effect upon its passage.

The first item in House Bill No. 1983 is the appropriation for the salary of the Commissioner of Animal Industry, namely, \$3,500. This amount was specified by chapter 608 of the Acts of 1912, which established the Department of Animal Industry. This is the rate of compensation at which the commissioner was paid during 1912, but he did not receive the full annual salary,

as he served only a portion of the year. It is the opinion of this commission that the appropriation for the salary of the commissioner, as provided in House Bill No. 1983, should be granted. In this connection it may be well to state that this commission believes that extra compensation should not be paid to State officials and employees, and that appropriations should be so granted as to prevent the payment of extra compensation.

The second item in this bill is an appropriation "for clerical assistance and other necessary office expenses," amounting to \$6,200. This is the same amount as was appropriated for 1912, but is \$500 less than the amount requested by the commissioner in his estimates for 1913, which amounted to \$1,200 for salary of one clerk and \$5,500 for the other office expenses. The Committee on Ways and Means reduced the amounts for office expenses from \$6,700, as requested by the commissioner, to \$6,200, which, as stated above, is the same as granted last year. Of the appropriation for office expenses for 1912 all but a small balance was expended. This commission has only had a limited amount of time at its disposal since the receipt of your request to investigate this matter. As a result of our limited investigation it is our opinion that the appropriation as reported by the Committee on Ways and Means, and as specified in House Bill No. 1983, namely, \$6,200, ought to be granted.

The third item in this bill is an appropriation of \$7,700 "for compensation of inspectors of animals." This is the same amount as was appropriated for 1912, and is the amount which was estimated by the commissioner as necessary for 1913. The amount expended on this account for 1912 was \$6,427.98, and the amounts expended for the same purpose by the former Cattle Bureau were \$7,613.50 in 1911 and \$6,309.12 in 1910. This commission has held conferences with the commissioner of the Department of Animal Industry, and discussed with him the work of his bureau, particularly the work connected with the inspection of animals and the extermination of contagious diseases among cattle. From information secured at these conferences and by other means this commission believes that the appropriation of \$7,700, as provided in House Bill No. 1983, should be allowed. This commission feels, however, that a thorough investigation should be made of the Department of Animal Industry, and careful consideration given to the administrative and business methods of this department, and to the relation of its work to the work of other State departments. Such an investigation as is here suggested would, of course, require some time, and it is impossible for this commission to conduct such an investigation until after completing the work connected with the making of reports upon special requests for appropriations and other matters referred to this commission by Your Excellency and the Legislature.

This commission's opinion relative to House Bill No. 1983 is, briefly stated, that the bill ought to be enacted into law.

EXTRA COMPENSATION.

The question of extra compensation for regular employees in the different departments of work in the Commonwealth is one which will require a great deal of study before any fully adjusted plan for correcting the evils that now exist can be set forth.

The Commission on Economy and Efficiency has given much

thought to the subject during the past year. Its attitude with relation to legislation dealing with extra compensation is shown in the following communications, but only some of the abuses that now exist are touched upon. It is probable that many of the calls for extra work, beyond the regular hours of service provided for by statute for different department helpers in the service of the Commonwealth, cannot be avoided. Rush seasons come in all kinds of work, and undoubtedly Massachusetts is fortunate in having in its employ hundreds of faithful officials who perform much extra labor without any extra compensation. Undoubtedly, many other officials who figure in the list of those receiving extra compensation are being only partially recompensed by the extra pay received; the question, however, is not only one of degree, but also is one which involves an important principle, which can only be adjusted by a thorough analysis of the service rendered by the different State employees, and the classification of both employees and salaries after such thorough study.

Under date of April 21, 1913, Commissioner Tyrrell sent the following communication to His Excellency the Governor, having special reference to a proposed law, in amendment of the existing law, providing for the publication of a list of officials and employees of the Commonwealth. No legislation was enacted, and the subject should receive further consideration by the incoming Legislature.

MY DEAR GOVERNOR FOSS: — I wish to call your attention to House Bill No. 2140 which seeks to amend the present law (chapter 268 of the Acts of 1910 as amended by chapter 43 of the Acts of 1911) providing for the publication of a "List of the Officials and Employees of the Commonwealth." This communication does not pretend to be an exhaustive discussion of the subject of the salaries and extra compensation paid to State employees, but is rather a brief memorandum touching upon the subject of extra compensation, and more especially upon the value and importance of an adequate and accurate list of State officials and employees. I am enclosing a statement which shows the amounts expended for extra compensation to officials and employees by the several departments, offices, etc., in which regularly employed. Extra compensation paid by one department to regular employees of another department is not included in this statement, since data on such payments are not now available. In the final report to you on the subject of extra compensation complete data will be given.

If enacted into law, House Bill No. 2140 will effect certain changes in the published list of State officials and employees, to which careful consideration should be given. As now published the list of employees shows the following facts relative to persons employed by each department, commission, board or bureau on the first day of July of the year in which the report is prepared: name, residence, designation, date of election or appointment, rate on July 1,

increase in rate for year preceding, extra services, total for year ending July 1: In addition to this information the published list also contains by departments a schedule of those persons who were employed during the year, but were not in the employ of the State on July 1, together with the amount paid these persons. The published list of officials and employees also contains in the last few pages a grand summary of the whole number employed and of the total amount paid for services in each year beginning with 1910 for all departments, commissions, bureaus and boards.

If House Bill No. 2140 is enacted the present publication will be modified, in that the present list of those persons who were employed during the year, but were not employed on July 1, will be abolished, and in its place will be presented for each department, commission, bureau or board a single line stating the aggregate amount paid to the whole group of such persons. A further modification will be made in the grand summary at the end of the volume, in that the figures will be presented for a series of three years in place of the present provision of law which provides that the figures be presented for the year 1910 and for each and every year thereafter. This proposal to limit the grand summary to the figures for three years is sound and ought to be adopted.

I wish to call special attention to the list of persons employed during the year, but not on July 1, and to the proposal to abolish this detailed list. In considering this matter it is very important to note that there is a common practice throughout the State government of one department or office employing for special work persons regularly employed in other departments or offices. Employees of one department so employed in another department will be listed in the published list as employed during the year, but not on July 1.

I submit that the practice of one State department employing the officials and clerks of another State department to perform extra services is a dangerous one and is very liable to be abused. I do not contend that every instance of such employment is open to criticism, but I am criticizing the general practice and am convinced that it is one which should be carefully considered before it is further continued. I maintain that as a general rule there can be no justification for such procedure. If a few exceptional cases occur they should be passed upon by some proper authority before being allowed.

I wish at this time to call your attention specifically to the value and importance of a complete published list showing the names of all persons receiving compensation from the State in connection with this very matter of the employment of persons by two or more State departments. If House Bill No. 2140 is enacted the published list will no longer contain information upon this matter, which I submit is of vital importance. I contend that instead of eliminating the list of persons who were employed during the year, but not on July 1, such list should contain additional information so as to make it of still greater value; for example, the list should specify the departments in which those regularly employed are receiving compensation for extra services rendered in any other departments than those from which they receive their regular salaries. If the treasury department employs for some special work persons who are regularly employed in the Auditor's department, then the list of persons employed in the treasury department during the year, but not on July 1, should state, in addition to the names and amounts as at present shown, a reference to the Auditor's department for each person regularly employed therein.

One of the chief values of this published list is to show the total compensation paid by the State to the persons in its employ. As already pointed out, this at the present time is practically impossible to do because of the fact that one department may employ for special work persons who are regularly employed in other departments. A further practice which makes it extremely difficult to ascertain the total compensation paid any one person is that of listing an individual in two or more places under one department, with no cross references and with nothing to indicate that the total compensation paid the individual can be ascertained only by adding together several items. Many such cases are to be found in the published list. In some instances the compensation paid individuals in addition to their regular salary amounts to 25 per cent. of that regular salary, and in order to ascertain this additional amount of compensation it may be necessary to refer to half a dozen widely separated pages which contain no cross references, so that the book as at present prepared is of doubtful value.

I would urgently recommend that in every instance where an employee or official of the Commonwealth is carried on more than one pay roll, cross references be made so that it may be an easy matter to calculate the total amount which such a person has received from the State. This could readily be done by placing, after his name in the department in which regularly employed references indicating each page in the volume on which his name appears, and, on the other hand, by inserting a cross reference giving the department in which regularly employed on each page on which it is shown that he received compensation (either from his own or from some other State department) in addition to his regular salary.

The publication would be more significant if the employees were classified under each department so as to show those who are regularly employed and those who are temporarily employed. The present classification may or may not show this, since it is so arranged as to indicate those who were employed on July 1 and those who had been employed during the year, but were not employed on July 1.

A further addition to this volume which might be made with advantage is the publication of the street address in addition to the name of the city or town as now published. At present the title of the publication is somewhat misleading, since it indicates that the volume contains a list of all officials and employees, where it is, as a matter of fact, restricted to such as receive salaries. I would suggest that the list be made complete so as to include all officials and employees whether paid or unpaid, and thus present in one publication a complete catalogue and directory of all persons in the employ of the State, together with the total compensation paid each person.

It appears to me that it would be of advantage to change the period covered by this publication and make it coincide with the fiscal year instead of having it cover a period from July 1 to June 30. If the period covered by this report coincided with the fiscal year it would be easier to check up the compensation of the State officials and employees, and would also make the report of greater value in interpreting financial statements which now are made for the fiscal year, in that the information in this list of officials and employees would supplement the information in the Auditor's report and the financial reports of departments by showing definitely not only the number of persons employed but the salary paid each of them.

A still further change which would add to the value of this report would be to expand the grand summary so as to show separately for each depart-

ment (1) the total amount paid for regular compensation, (2) total amount paid for extra services of regular employees, (3) the total amount paid for extra clerical hire, and (4) the grand total expended for services. The number employed should also be set forth in the grand summary, these figures and those for compensation, as suggested above, being shown for each of the three years which House Bill No. 2140 proposes to have covered in the grand summary.

The Commission on Economy and Efficiency finds it necessary in much of its work to make frequent use of information relative to the names, duties, compensation and changes in compensation of State officials and employees. For this and other reasons it has occurred to me that it might be desirable to have the "List of Officials and Employees of the Commonwealth" compiled under the supervision of this commission instead of under the supervision of the Governor and Council as at present. While this publication is of value and use to Your Excellency and to the Council, yet I feel confident that you and the Council would be pleased to be relieved of the responsibility of seeing that the report is properly prepared. Accordingly, I personally am suggesting the desirability of having the schedules and lists as prepared by the several departments, bureaus, etc., submitted to this commission instead of the Governor and Council. This suggestion has not been considered by the Commission on Economy and Efficiency, but it appears to me to be evident that the work of supervising the preparation of this volume can logically be placed in this commission.

I wish to sum up by entering a vigorous protest against any curtailment in the present publication of the names of, and compensation paid to, employees and officials of the Commonwealth. The citizens of the State have a right to know and are interested in receiving these facts. The small saving in printing which might be effected by the condensation contemplated in House Bill No. 2140 is not worthy of consideration when information of such vital importance is at stake. Accordingly, I urgently recommend that measures be taken to furnish additional information in the published "List of Officials and Employees of the Commonwealth," so that the citizens may have even more information than is at present shown, and I would submit as a personal suggestion, not as an official suggestion of the commission, that section 1 of House Bill No. 2140 be finally amended, so that it will read as follows:—

SECTION 1. Every department, commission, bureau or board of the commonwealth shall, on or before the fifteenth day of December in the year nineteen hundred and ten, and on or before the fifteenth day of December in every year thereafter, prepare under the supervision of and furnish to the commission on economy and efficiency lists of all the unpaid officials together with lists of all paid officials and employees of the commonwealth, employed in or by such department, commission, bureau or board on the thirtieth day of November preceeding, for whose services money has been paid from the treasury of the commonwealth. The said lists shall be arranged by divisions of the several departments, commissions, bureaus or boards when such divisions exist, and shall give the name, residence, date of election or appointment, designation and rate of compensation regularly received of every such official and employee and any increase in the rate of salary or compensation for the year preceeding; shall also give the amounts paid to each official or employee for all extra services and the designation of the department, or departments, other than the one where regularly employed where such extra services were performed, for the year preceeding; and, also, the aggregate amount of money paid for services or salaries to any official or employee, not otherwise shown upon

said list, for the year beginning with the first day of December in the year preceding that in which the list is prepared. It shall be the duty of the auditor of the commonwealth to verify the said lists, the compensation and the said aggregate amounts from the pay roll. The said lists and aggregate amounts shall be printed at the expense of the commonwealth, as a document of the commonwealth, before the first day of May following the year in which they are furnished, and the said document shall contain for that year and the two immediately preceding years, a summary by departments, commissions, bureaus and boards of the total number of officials attached to and employees employed in or by every such department, commission, bureau and board and the total amounts paid for regular compensation, for extra services of regular employees, and for extra clerical hire, by every such department, commission, bureau and board from the treasury of the commonwealth, and also shall there be contained therein the entire and complete number of such officials and employees together with the whole amount paid for services, set forth in a grand total.

SECTION 2. This act shall take effect upon its passage.

Compensation for Extra Services rendered by Officials and Regular Employees of the Commonwealth.

The figures presented herewith are compiled from the "List of the Officials and Employees of the Commonwealth, 1911-1912."

The attached statement shows the amount paid in each department and office of the Commonwealth for extra compensation to officials and regular employees of those departments.

All payments for employment of extra clerks are omitted from this statement, as are also any payments made to the officials or employees of one office or department for work which they may have performed for another office or department. For example, any payments made by the Treasurer's office for special work performed therein by employees of the Bureau of Statistics are not included in the subjoined figures:—

Compensation for Extra Services.

| Page. | DEPARTMENT. | Amount. |
|--------|---|------------|
| 4 | Executive, | \$1,000 00 |
| | Secretary of the Commonwealth:— | |
| 6 | Main division, | 2,554 50 |
| 7 | Registration division, | 127 78 |
| 8 | Corporation division, | 187 50 |
| 9 | Archives division, | 8 10 |
| 9, 10 | Direct primaries, | 1,501 10 |
| 11 | Presidential primaries, | 420 00 |
| 13, 14 | Auditor's, | 275 85 |
| 15 | Attorney-General's, | 33 50 |
| 18 | Quartermaster-General's, | 75 45 |
| 19 | Quartermaster-General's, armory division, | 100 00 |
| 27-33 | Sergeant-at-Arms', | 106 50 |

Compensation for Extra Services — Continued.

| Page. | DEPARTMENT. | Amount. |
|----------|--|---------------------|
| 40-44 | Bureau of Statistics, | \$1,058 67 |
| 57, 58 | Tax Commissioner and Commissioner of Corporations, . . . | 78 00 |
| 68 | State Forester, | 25 00 |
| 77, 78 | State Forester, suppression of moths, | 615 50 ¹ |
| | State Board of Charity: — | |
| 85 | Adult poor department, | 66 00 |
| 86 | Penikese Island, | 90 00 |
| 100 | State Board of Education, | 141 60 |
| 105 | Board of Harbor and Land Commissioners, | 3 50 |
| 111, 112 | Directors of the Port of Boston, | 34 76 |
| | Board of Health: — | |
| 115 | Secretary's department, | 44 80 |
| 117, 118 | Engineering department, | 226 25 |
| 120 | Inspectors' department, | 38 95 |
| 120 | Examiners of plumbers, | 720 00 ¹ |
| 121 | Neponset Valley fund, | 60 |
| 131 | Board of Prison Commissioners, | 665 00 |
| | Massachusetts Reformatory: — | |
| 138 | Officers, | 536 00 |
| 142 | Instructors, | 50 00 |
| 147 | Reformatory for Women, | 120 00 |
| | Metropolitan Water and Sewerage Board: — | |
| 179 | Administrative department, | 224 50 |
| 185-188 | Distribution department, | 760 36 |
| 189 | Mystic River tunnel, | 7 63 |
| 192 | Sudbury department, | 34 21 |
| 198 | Wachusett department, | 27 83 |
| 217 | Ward Street, | 5 62 |
| 222 | South system, | 11 26 |
| 226 | Civil Service Commission, | 578 23 |
| 244 | Highway Commission, automobile department, | 1,775 74 |
| | Metropolitan Park Commission: — | |
| 336 | Engineering department, | 56 37 |
| 392, 393 | Bath house, | 149 00 |
| 401 | Railroad Commission, | 510 00 |
| 410 | Province Laws, | 119 60 |

¹ The entry in the published list is so made as to leave doubt concerning the total compensation paid in this instance.

Compensation for Extra Services — Concluded.

| Page. | DEPARTMENT. | Amount. |
|----------|--|-------------|
| 412 | Hyannis Normal School, | \$1,921 99 |
| 419 | Fitchburg Normal School, | 232 90 |
| 427 | Framingham Normal School, | 258 06 |
| 432 | Lowell Normal School, | 162 00 |
| 435 | North Adams Normal School, | 205 61 |
| 438 | Salem Normal School, | 96 81 |
| 441 | Westfield Normal School, | 48 00 |
| 445, 446 | Boston Normal Art School, | 2,192 00 |
| 452 | Massachusetts School for the Feeble-minded, female ward service, . | 80 30 |
| 457 | Massachusetts School for the Feeble-minded, administration (male), | 34 89 |
| | Wrentham State School: — | |
| 475 | Ward service (female), | 30 31 |
| 477 | Administration, | 7 96 |
| 486 | Industrial School for Boys, ward service, | 10 00 |
| 490 | Industrial School for Girls, administrative, | 10 00 |
| 498 | Massachusetts Training Schools, girls' parole department, . . . | 325 00 |
| | Lyman School for Boys: — | |
| 500 | Administrative, | 145 43 |
| 501 | Ward service, | 729 43 |
| | Boston State Hospital: — | |
| 644 | Administrative, | 8 00 |
| 646 | Grounds, | 2 30 |
| 680 | Danvers State Hospital, administrative (male), | 88 80 |
| | Taunton State Hospital: — | |
| 753 | Medical service, | 15 81 |
| 754 | Administrative (male), | 157 80 |
| 755, 756 | Administrative (female), | 226 04 |
| 758-760 | Ward service (male), | 296 61 |
| 761-764 | Ward service (female), | 245 05 |
| 765 | Grounds, | 324 91 |
| 919 | Board of Registration in Embalming, | 200 00 |
| | Total, | \$23,221 27 |

On May 15, 1913, the committee on rules of the House of Representatives was requested, in the following communication, to provide for a correction of conditions which had been found by the commission to exist, through the passage of some such

legislation as was set forth in the act accompanying said communication:—

GENTLEMEN:—I have requested leave to introduce an act which shall provide a general law governing the grant of extra compensation to State officials and employees. The act proposed and as indorsed by the Commission on Economy and Efficiency is as follows:—

Be it enacted, etc., as follows:—

SECTION 1. All compensation in whatsoever manner computed, whether by the day, week, month or year, or by any other method of calculation, regularly paid as fixed salary, remuneration, or recompense to officials and employees in any and all departments of the commonwealth whether executive, judicial or otherwise, shall be payment in full for all services performed for the commonwealth; provided that additional compensation may be allowed for special or extraordinary services only when such services have been recommended as necessary by the head of a department, board or commission, and such recommendation has been made to, and approved by, the commission on economy and efficiency.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

This commission has already made recommendations to the House committee on ways and means relative to the practice of granting extra compensation to the first and second deputy secretaries of the Commonwealth. These recommendations were made in compliance with a request from the House committee on ways and means for a report and recommendation relative to proposed legislation establishing the salaries of the first and second deputy secretaries of the Commonwealth at \$4,000 and \$3,000, respectively. An examination of the status of the offices to be affected by such proposed legislation discloses the fact that extra compensation has been paid to the officials herein mentioned as well as to other officials and employees of the Commonwealth. Following a careful consideration of the subject in general, it was considered necessary and expedient by this commission to conclude that the first and second deputy secretaries of the Commonwealth should be paid fixed regular salaries, which sums should be in full consideration for all services rendered or performed by them for the Commonwealth.

This conclusion partook of the nature of a recommendation submitted by this commission to the House committee on ways and means. From a more extended study of the problem of extra compensation it has appeared advisable to me to petition for a general law regulating the entire subject. Leave has accordingly been requested to introduce in the Legislature the act above quoted. Statistics and information, incomplete in nature, have been collected relative to the extent to which extra compensation has been granted State officials and employees in the past. Despite the incomplete nature of the information at hand it is, nevertheless, clearly apparent to my mind that this practice is very common throughout the several departments, offices and undertakings of the Commonwealth, as well as is it evident that there is a tendency for it to increase.

In the published list of State officials and employees for 1911-12 (Public Document No. 90) it is shown that approximately \$23,000 was expended during the year ending July 1, 1912, and this in the form of extra compensation for special services rendered to the Commonwealth by its officials and

employees. While not evidenced in Public Document No. 90, it is nevertheless true as a matter of fact that a sum considerably larger than that mentioned has been paid out for extra compensation. For example, one State department may pay regular employees of another State department money for extra or special services performed in it, such payments being classified in the published list of State officials and employees as disbursements for extra clerical hire. Another class of extra compensation for which comprehensive figures have not been prepared is that wherein should be considered the retention of fees received by State officials and employees over and above their regular salary; in some instances the extra compensation received by officials and employees is equivalent to 25 per cent. of their regular salary, and the instances are not few wherein the sums received are much in excess of this ratio. Criticism might well be directed to the payment of such large amounts as extra compensation to any official or employee, either for the reason that the extra compensation is excessive, or that the official or employee has made unwarranted personal sacrifices in order to perform the extra work, or that his regular salary is totally inadequate. It is manifestly unreasonable to believe that the practice of granting such large amounts for extra compensation can in any instance be justified. It is respectfully urged that State officials and employees should be paid adequate salaries for the work which they perform, and to my mind it is surely an unbusinesslike and questionable practice to pay them a small salary and supplement such payment by an enlarged bonus for extra work. The reason usually advanced for allowing extra compensation to State officials and employees is that work of a special kind, or in unusually large amounts, has to be done at certain seasons of the year. This situation may or may not be due to the imperfect organization of the department. Improvements and changes in the organization of the several departments, if properly arranged and systematically executed, might well lessen or obviate the need for such extra compensation. It is, of course, recognized that departments and offices may well have at certain times extra or special work in unusually large proportions which must be performed within a very short period.

To meet this unusual situation, periodically reoccurring, it becomes necessary to engage the regular office force under greater pressure for the regular time of employment, to utilize extra hours, or to employ outside assistance. It is manifest that no absolute rule can be employed for the guidance of all departments in every instance relative to the manner in which such departments should dispose of extra special work; but, on the other hand, attention is invited to the danger of allowing extra compensation to State officials and employees for performing such extra work. Frequent and indefinite employment of the regular office force outside of regular hours will occasion a weakening of the energy and a loss of the interest usually expected of such employees in the regular day of service, and the result of such condition is disastrous to the entire force and must of necessity lead to a greater dependency upon extra services and special or overtime work. It is also true that officials or employees will take their regular work more leisurely during the regular office hours if they realize that they will be compensated for overtime. None the less apparent in such situation is the danger of favoritism in assigning to paid overtime work certain persons in a department. It has been the experience of other governments that the practice of granting overtime pay to officials and employees, when the same is not subject to careful control by disinterested parties, is inevitably abused. It would, therefore,

appear to me, as a matter of precaution, exceedingly desirable that a law be enacted which would prevent such abuse creeping into the administration of the government of the Commonwealth.

In further considering the question of extra compensation it is important to bear in mind that the regular office hours for State officials and employees per week do not exceed the total of thirty-eight hours, and in this total is incorporated a liberal allowance for vacation, as well as for leave of absence on account of sickness. It appears to me but reasonable that employees of the Commonwealth should be willing to co-operate to the extent of occasional overtime work. I do not believe in exercising harshness in the direction of employees or in instituting, as a general rule, the item of after-office-hour work, but I do realize and I do insist that occasionally official business may make it expedient for the head of a department to elicit the aid of some of his force to assist in work which calls for a small part of their time after the regular hours of employment. This, it seems to me, should be considered as a part of the official's or employee's duty to the State, and for the performance of such work such official or employee should not expect extra compensation. The term "employment," if properly considered, should not be viewed from a mathematical standpoint, and those occasions, extraordinary in nature and of a sufficiently rare number, which call for extra work on the part of the employee should, if that employee exhibits the proper interest in the service of the Commonwealth, be considered as an opportunity for him to display in positive manner the interest which he should have in the service of the public.

The proposed act which I have requested leave to introduce into the Legislature would work no hardship in those cases where the situation would be such as to justify the allowance of extra pay to State officials and employees. Not the use but the abuse of granting extra pay is the aim and object of the proposed legislation. Instances there are wherein the regular salary paid to officials and employees is augmented by certain amounts known as fees, and so retained by such officials and employees. This practice is of a certainty open to criticism. The official or employee who receives such fees may receive more or less than that to which he is entitled for the work performed, simply because of the fact that the amount of fees received by the official may be greater or less than the sum which would represent a fair compensation for his services. It is not only just and necessary to the Commonwealth, but it is equally fair and expedient to the employees, to arrange for the deposit in the office of the general treasury of the Commonwealth of all fees in whatsoever manner received, and for the payment to each servant of the State of a regular salary to be appropriated for and fixed according to the merits of the position. The manifest inequalities which accompany the fee system, so called, are so strikingly apparent as to obviate for the present a detailed consideration of the same. The question is by no means a new one, and the dangers and objections to the fee system have been so long since thoroughly understood that a very large number of public officers, formerly classified within the fee system, have been placed upon a salary basis. This is a move in the right direction, and the reform shall not be completed until the grant of compensation by fees meets with entire elimination. The proposed act will, so far as State officials and employees are concerned, materially aid in the elimination of this practice.

Respectfully submitted,

FRANCIS X. TYRRELL.

EDUCATIONAL MATTERS.

A number of important matters affecting the educational interests of the Commonwealth have been considered by the commission.

Under date of March 14, 1913, a report was made to the General Court, and legislation suggested upon the subject of a better oversight by the State Board of Education over the expenditure of money appropriated for aid to certain institutions.

GENTLEMEN: — The Commission on Economy and Efficiency, in accordance with the provisions of chapter 719 of the Acts of the year 1912, hereby respectfully submits the following report with the accompanying bill.

We find there is at the present time inadequate and insufficient supervision and examination by the State Board of Education of the educational institutions in the Commonwealth which receive financial aid from the treasury of the Commonwealth in the shape of annual grants or otherwise.

It is our belief that the State should have at least annual reports carefully prepared by the State Board of Education or its agents concerning the administration or methods and costs of all such educational activities. The Board of Education should be empowered to make an examination of all the educational institutions in the State which receive State aid; and should make special recommendations concerning educational policies, costs, expenditures, equipment and supplies, repairs, maintenance, administration, plans, buildings, etc., where State money is involved.

Such examination and report by the State Board of Education would be of inestimable value, not alone to the State as a whole, but to the institutions and their trustees as well, and would provide accurate and definite information which is essential for the Legislature to possess in order to clearly understand the intricate needs, problems and necessities in educational matters.

In this connection we recommend the employment of an agent, charged with the duty of keeping in touch with all educational institutions which receive State aid, in accordance with the accompanying draft of the act respectfully submitted as a basis of legislation.

We cannot too forcibly emphasize our belief that large sums of money will be saved each year, and that educational matters in the Commonwealth will be greatly benefited by the passage of this act or one similar thereto.

AN ACT RELATIVE TO ALL EDUCATIONAL INSTITUTIONS WHICH RECEIVE FINANCIAL AID FROM THE TREASURY OF THE COMMONWEALTH IN THE SHAPE OF ANNUAL GRANTS OR OTHERWISE.

SECTION 1. The state board of education is hereby authorized and directed to make annually to the general court, and at such other time as it may deem necessary, a report relative to all educational institutions which receive financial aid from the treasury of the commonwealth in the shape of annual grants or otherwise. Such reports shall contain expressions of opinion and recommendations by the state board of education as to the necessity and desirability of any special and general appropriation requested from the general court for the use of such institu-

tions; and shall also contain such other facts and recommendations as the state board of education may deem advisable and fitting, with a view to develop and promote general educational policies and efficiency and economy in expenditures pertaining to the various types of education aided by the commonwealth.

SECTION 2. In order that the state board of education may make proper examinations and prepare reports, said board or its agents are hereby authorized and directed to inspect and examine from time to time the institutions mentioned in section 1 of this act, and shall secure from these institutions such information as is deemed necessary, by examination of courses of study, methods of purchase, supplies, plans, books, papers, accounts, buildings, land, etc., and any and all other matters which the state board of education, its agent or agents, may deem advisable.

SECTION 3. To assist the state board of education in carrying out the provisions of this act, it may employ such person or persons as it may deem necessary and expedient, and for this purpose may expend a sum not exceeding five thousand dollars per annum.

SECTION 4. All reports rendered in accordance with this act shall be submitted to the governor and council, the legislature, the commission on economy and efficiency, and to each institution upon which report is made.

SECTION 5. This act shall take effect upon its passage.

State Normal Schools.

In a subsequent report the commission will make an extended report upon the normal schools of the State. One of the most important branches of public service is involved in this department. The reorganization of the State Board of Education has appeared to only partially solve the problem of organizing on the right basis and along the right lines, the public school systems of the Commonwealth.

Problems that came before the commission during the past year are shown in the following communications; and developments of the different situations which were noted in studying these particular questions have led the commissioners to believe that such matter as they have prepared for a supplementary report will have important bearing upon this branch of the public service.

Under date of Feb. 24, 1913, the question of establishing additional normal schools in several different cities was considered in the following communications sent to the Senate chairman of the committee on education: —

MY DEAR SIR: — This commission desires to call the attention of your honorable body to the proposal to establish new normal schools in the cities of Fall River, Lawrence and New Bedford, contained in House Bill No. 728 (Fall River), House Bill No. 304 (Lawrence), and Senate Bill No. 208 (New Bedford), which have been introduced in the Legislature and which have been considered by you.

We have looked into the question of normal schools, and we think the State does not require any additional schools; and, in fact, the establishment of

such schools would be an unwise expenditure of public money. This opinion is also in accordance with the opinion of the State Board of Education, which considers that too many normal schools now exist.

The location of existing normal schools is such that the needs of the different sections of the State may be adequately provided for. If the number of normal schools is increased, the expenses under which the State is now laboring will be increased without any material gain in efficiency; that is to say, we would have a needless excess of school buildings and equipment.

We feel the educational needs of the State will be better served by improving the needs and administration of existing normal schools rather than by increasing the number of such schools. It is therefore urged that every effort be made to improve the administration of our present normal schools and to derive full value from them rather than large needless new expenditures.

Under date of March 4, 1913, the commission submitted to the General Court the following communication and recommendation relative to the proposed purchase of land for the State Normal School at North Adams: —

An original request for \$12,500 for the purchase of land in North Adams for future dormitory purposes was made by the State Normal School located at North Adams. Subsequently, by action of the State Board of Education, a reduction of this amount was recommended, so that the present desired appropriation comprises the sum of \$10,000.

North Adams now numbers some 23,000 inhabitants, — a material decrease in the population of a decade past. Property in this city is estimated in exaggerated assessments, being 25 to 40 per cent. higher than the actual value.

There is no evidence at hand which points to the probability of any sudden or large growth in the value of realty in North Adams. It is far more probable that the present unsettled condition of industries in this city will, for a time at least, presage a continued dullness in the real estate market in North Adams.

In 1898 the city of North Adams conveyed by deed to the State land valued at \$25,000, such land to form the location of a State normal school. Two subsequent deeds were executed by the city, increasing the original grant to the State by some two acres and in the value of \$15,500. On the latest acquired property was a house which was removed by the State at an expense of \$5,000.

Later, the sum of \$13,000 was appropriated by the State for land, about three-quarters of an acre in extent, and it is upon this location that the present dormitory is situated.

The land included in the normal school property, the fee of which vests in the State, is approximately four and one-half acres in extent, of which one acre is covered by buildings; one-half acre by approaches; and two acres by playgrounds and parks. It will be observed here that almost 50 per cent. of the total area of the normal school property comprises land used for park and playground purposes.

In the year 1910 the city of North Adams executed a lease to the State of a large tract of land situated north of the administration building. The extent of the land covered by this lease is one acre, and is now used by the students

for practical studies in gardening. West of this lot is an acre of land also under State control by virtue of a lease from the city and likewise used for practical garden studies.

There are, therefore, about two acres of land leased to the State by the city of North Adams, as well as a small parcel of land, four-fifths of an acre in extent, owned by private parties, the use of which the State enjoys gratis. The total of such leased land amounts to two and four-fifths acres, and is entirely used for gardening purposes. In addition to the two and four-fifths acres of leased land so used the State owns in fee some two acres of land utilized for park and playground purposes. The total area, therefore, of land occupied and used for gardening purposes and for playgrounds and parks comprises four and four-fifths acres, while the land actually covered by buildings of the normal school is but one acre in extent.

The city of North Adams has expended in original and subsequent gifts to the State the approximate sum of \$45,000, and this is not inclusive of the gifts made in the form of leases. On the other hand, the appropriations made by the State for land at the North Adams State Normal School amounts to the sum of \$18,000.

Some fifteen years or more ago there was a periodical flooding of the land in the vicinity of the normal school, occasioned by the overflow of mountain creeks. This overflow did not actually cover the level section of the State's land, appearing rather as a problem of danger than actual harm. Such overflows have long since ceased, for the city of North Adams has provided adequate measures to take care of them in freshet season. A few hundred feet below the location of land available at this institution for building purposes we find that the property is covered with modern apartment houses, the foundations of which extend some 15 feet into the soil. The engineer's office of the city of North Adams may be cited for the statement that some distance below the State's available land excavations can be made to the extent of 200 feet with no possibility of reaching water. We believe there is ample territory, therefore, for the erection of a dormitory upon the space of land suggested as available. The soil is most conducive for proper building, being dry and the dangers of water not now existing.

The land suggested for purchase by the State normal school, and indorsed by the State Board of Education, is situated on the southerly side of the present dormitory, and in length takes a southeasterly direction, while its surface is somewhat higher than that upon which the dormitory now stands. The area comprises about one and one-quarter acres, divided into one parcel held in joint tenancy, and several other parcels held in single ownership, containing in all six and one-half lots, of which two are now used by the State for a flower garden, with permission of the owners. There are no incumbrances upon this property, and little or no possibility of a sale, either immediately or remotely, unless the same shall be taken by the Commonwealth.

This land is assessed at \$3,250, but such assessment does not represent the real value, for assessments in general in this city exceed by from 25 to 40 per cent. the real value of the land; and, making proper allowance for such excess, the value of the entire area approaches the sum of \$2,500.

The total taxes for ten years upon this land are \$697.69.

It has been stated that the price suggested for payment for the land (\$10,000) may not long remain at the disposal of the purchaser, and that there is need for an immediate transfer. We do not believe this to be the case. Neither do we believe that the State is in need of the property at all.

West of the present administration building of the State normal school is situated a strip of land owned by the Commonwealth, estimated at one and one-half or two acres in size, with good soil and free from the presence or danger of water. It is safe and practical to excavate in this soil at any point on the property to a reasonable depth for foundations. West of Montana Street, and upon land many degrees lower than this State land, are located apartments and other classes of residences, and in no instance has water been encountered in the construction of the same.

There is ample room on the property of the Commonwealth for dormitory needs, not only for present buildings, but for area outside of such buildings to create a proper setting for a new dormitory if it is desired. The grade of the land, we believe, does not make it prohibitive for the erection of a dormitory, nor does such grade create any problem in construction which is new or difficult.

The argument that it would be impossible to erect a new dormitory on this land without the installation of a new and independent heating plant, with consequent cost of maintenance, etc., is not well founded. The present capacity of the heating plant (low and high pressure boilers) is far in excess of the work now placed upon it. While low pressure is now being used, a change to high pressure would be ample to take care of all proposed necessary additions to the school for a number of years to come, and the present heating plant, now located in the administration building, could be removed to a new structure on the grounds indicated above owned by the State, and would serve as a general heater for the institution, requiring no change in piping of the building from which the heating plant would be removed.

We do not agree that the erection of a dormitory on the land now owned by the Commonwealth would create any unsightly appearance, or that the city would cancel the lease of land now used by the State normal school, and our views upon these questions are based upon statements from the chief executive of the city, who also informs us that the extremely liberal policy heretofore pursued by the city will continue toward the normal school in the future as in the past.

We do not believe that there are any difficulties, real or unreal, against the erection of a dormitory on the property now owned by the State, even if a new dormitory were necessary. Furthermore, the new tract of land which it is urged should be purchased contains six and one-half lots, two of which, located nearest to the State property, are now used for gardening purposes. This land fronts Highland Avenue, being flanked in the rear by property fronting on Church Street. The present front of the normal administration building, as well as that of the present dormitory, faces Church Street. The only possible frontage of the proposed new building on the proposed land would be on Highland Avenue. Thus the rear of the present buildings would be on a line with the front of the proposed structure. Thus, to provide for the necessary setting for the proposed dormitory, it would, in all probability, be necessary, at no great future date after the building's erection, to acquire, wholly or in part, the property located to the east of the proposed tract. The wisdom of this move might well be questioned.

As has been shown above, the price for the proposed land, we respectfully submit, seems to us manifestly in excess of its value, and we find no reason to believe that the Commonwealth is obliged to buy the land for self-protection, especially since the construction of residences on said land is most improbable. We therefore find —

First. — That the land already owned by the State affords ample opportunity for a new dormitory, but a dormitory is not needed.

Second. — That if the new lot is acquired, such acquirement will mark a brief introduction to further land acquisition.

Third. — That the erection of a new dormitory upon the land now available and owned by the State can be accomplished at a minimum expense, and is the logical step in the development of the institution at some time in the future.

Fourth. — That the price of the proposed land is beyond reason; and the State, by the very location of its own property, virtually controls the situation, while the general condition of real estate now existing shows no indication of increase of property values.

In regard to the question of need for a new dormitory we have considered the capacity of the present dormitory, the capacity of near-by houses for rooms and the growth of dormitory possibilities.

The present dormitory is a building 156 feet long and 100 feet wide, having a court 58 by 70 feet, containing one single and thirty-four double student rooms, each measuring 14 by 16 feet. There are also two guest rooms and three matron rooms, while in the basement are four rooms for servants. The dining room, accommodating 90 persons, contains about 13,692 square feet, while its seating capacity can be easily arranged to accommodate 112 persons. There are now living outside of the dormitory from 10 to 15 students, while the capacity in the immediate neighborhood for housing students, it may be safely stated, would take care of two or three times that number. At the present time the roster of the dormitory is 70 students, 12 teachers, 2 matrons, 4 guests and 8 servants, making a total of 96 persons.

The rate of increase of the institution covering a period of the last five years is as follows: 1907, 96 students; 1908, 100 students; 1909, 148 students; 1910, 144 students; 1911, 145 students; and 1912, 170 students.

The increase, therefore, in a period of five years is 43½ per cent., but this is not a real increase in dormitory life, for there are a number of day students who reside at North Adams, and a strong percentage of the students are enrolled under the head of correspondence students.

Indeed, the question of a new dormitory is admittedly not pressing, and will not become so for the next five years at least, while an economic distribution of space in the present dormitory will increase the floorage to the extent of some four or five rooms, thereby providing accommodations for 8 or 10 resident students or boarders.

In conclusion, we respectfully submit that the North Adams State Normal School does not need the expenditure for new land; that this proposed expenditure is not warranted by conditions; and that the price for the proposed land is exorbitant and unreasonable. There is therefore no need of legislation for an appropriation for this purpose.

Under date of March 11, 1913, the matter of additional dormitory facilities for the State Normal School at Framingham was taken up in the following communication addressed to the General Court: —

GENTLEMEN: — The Commission on Economy and Efficiency, in accordance with the provisions of chapter 719 of the Acts of the year 1912, herewith

submits the following report concerning the necessity for increased dormitory facilities at the State Normal School at Framingham.

We find that the attendance at this institution for the past several years has been very large and is steadily increasing. Living quarters at the school are now provided for in two small dormitories, which for a number of years have been quite inadequate to keep pace with the demands. Outside of the dormitory "approved quarters" are hard to obtain and few in number, and indeed, for the past few years have been overcrowded. Some students are now located in these outside quarters, but such quarters are few, as the dwellings available for this purpose are very scattered.

The item of expense fixed by the State Board of Education for individual maintenance in dormitory makes it impossible to consider outside quarters a future adjunct in the life of the normal school.

After careful consideration and investigation of this institution we believe that increased dormitory facilities are imperative, and should be provided by the State as soon as is reasonable and possible.

We respectfully submit, however, that definite plans, bids and specifications for the proposed new dormitory have not yet been made, and while we realize the necessity for a new structure, we cannot recommend a definite appropriation therefor until such time as plans and specifications have been made.

Under date of March 24, 1913, the commission approved the purchase of land for additional accommodations at the Hyannis State Normal School, and disapproved certain methods connected with the manner of estimating costs at the Lowell State Normal School, in the following communications: —

DEAR SIR: — In accordance with chapter 719 of the Acts of the year 1912 the Commission on Economy and Efficiency respectfully submits the following report and recommendations relative to the special appropriations for the Hyannis State Normal School, as contained on page 1 of House Document No. 2.

The life of the Hyannis State Normal School dates from September, 1897, when the school was opened with an initial attendance of 31 students. In 1912 the enrolment numbered 72. The special appropriation deals with the acquisition of land for the development of the Summer School at Hyannis. This school was established in 1898 with a student body of 120; it now numbers 300. As the dormitory will accommodate but 56 students, it has been necessary to provide quarters for many of the summer pupils in the homes throughout the village, as well as in tent houses. The only land available and used for tenting purposes has been leased from William J. Hallett. It is somewhat over an acre in area and is assessed at \$1,300. The purchase price of this lot is \$1,200.

The commission is convinced that the amount is not excessive, as the land is centrally located and readily marketable.

Bathing facilities are advertised as an important attraction of the Summer School. The present provision for this feature is located some two-thirds of a mile from the school, where a bath house has been erected upon shore land, the use of which land is enjoyed under a tenancy at will at a yearly rental of \$25. Inasmuch as it has been impossible to procure an estate for

a term of years in this strip of shore property, the shore attraction of the Summer School is of doubtful future value.

To make this shore feature a permanent adjunct of the school, it has been suggested that a tract of land abutting on the shore be acquired. The land in question is situated about three-quarters of a mile from the normal school and adjacent to the land upon which the bath house now stands. This land is about three and one-fourth acres in extent and is assessed at about \$1,000 per acre. It has a shore frontage of about 160 feet, also abutting upon Ocean Street where it measures about 275 feet. It is considered desirable property. The purchase price is \$4,000, and is undoubtedly a good investment. The acquisition of this land will provide permanent bathing facilities as well as additional space for tent houses.

The marked development of the Hyannis State Normal School has been experienced in the Summer School, rather than in the regular fall and winter departments. If the Summer School at Hyannis is to continue and develop it is imperative that the tracts suggested for purchase be acquired.

Upon the hypothesis, which is not entirely clear to this commission, that the Summer School is a vital factor in the future of the Hyannis State Normal School, it is respectfully recommended that the appropriation of \$5,200 be made for the purchase of the tracts as set forth.

DEAR SIR:—In accordance with chapter 719 of the Acts of the year 1912 the Commission on Economy and Efficiency respectfully submits the following report and recommendations relative to the proposed special appropriations for the Lowell State Normal School, as contained on page 4 of House Document No. 2.

The State Normal School at Lowell was ready for occupancy in the year 1897. In certain respects the building has never been completed. Since the date of occupation no expenditure has been made for repairs or improvements upon the school. This is in accord with an established policy of the State Board of Education to place in complete repair one normal school each year.

The estimate for the Lowell State Normal School contains two items aggregating a total proposed expenditure of \$9,435. The commission is convinced that the items are concerned with real needs.

It is the opinion, however, of the commission that the manner of computing the cost of the several items is not in accord with sound business methods.

The recommendation is made, therefore, that the repairs and improvements desired for the Lowell State Normal School be provided for, but that the appropriations for such be withheld until such time when more definite and accurate information relative to the cost shall have been submitted for examination and approved.

Under date of March 25, 1913, the commission further reported upon matters affecting the normal school at Worcester, in the following communication addressed to the House chairman of the committee on ways and means:—

DEAR SIR:—In accordance with chapter 719 of the Acts of the year 1912 the Commission on Economy and Efficiency respectfully submits the following report and recommendation relative to the special appropriation

for the Worcester State Normal School, as contained on page 5 of House Document No. 2.

The single item in the estimate calls for the expenditure of \$10,000 for the acquisition of land which shall provide a new site for the Worcester State Normal School. It is the contention of the State Board of Education that the present location of the normal school is undesirable. Beyond the general assertion, no particular arguments have been advanced to substantiate this view.

The school is now located upon a high elevation in a residential section of the city. In the immediate vicinity are situated a church and school. Some two or three hundred yards to the north is located the Worcester State Asylum, covering approximately fifteen acres.

By chapter 679 of the Acts of the year 1912 this institution was condemned, and its removal is to be consummated by the year 1915. The present atmosphere of the locality is one of quiet and respectability. With the abolition of the Worcester State Asylum there will be available for building purposes about fifteen acres of land; this will undoubtedly change the physical status of the locality and will materially affect the quiet of the school. It is evident, therefore, that the removal of the school is a need of the not-far-distant future.

The State Board of Education has suggested but one parcel of land available for a new site. This tract, thirty acres in extent, is a part of the John Brooks farm, and is situated about two and one-half miles from the Worcester city hall. The area is back farm land located some two hundred yards from the road to which it is accessible by a right of way some 40 or 50 feet wide. The assessed value is about \$2,250. The purchase price of \$10,000 represents an increase of \$7,750 over the valuation.

It is the opinion of the commission that the transfer of the Worcester State Normal School will be a matter for serious consideration within the next two years. It is apparent that more than one site can be offered for consideration. The suitability of the proposed tract is questioned, as is the purchase price of the same deemed exorbitant. The commission, therefore, respectfully recommends that the appropriation of \$10,000 for the purpose hereinbefore set forth be withheld.

Several matters relative to the Salem Normal School were brought to the attention of the commission and were given careful consideration in the following report submitted to the House chairman of the committee on ways and means, under date of June 4, 1913: —

DEAR SIR: — In accordance with the provisions of chapter 719 of the Acts of the year 1912 the Commission on Economy and Efficiency respectfully submits the following report relative to the special appropriation for the State normal school at Salem, Mass. Under date of March 27, 1913, a preliminary report upon this subject was filed with your committee in which document a recommendation was made by this commission to the effect that any and all appropriations for the State normal school at Salem be withheld until such time when more complete information than that then furnished would be available. The estimates upon which the request for the special appropriation is made are to be found on page 4 of House Document No. 2, and are as follows: —

| | |
|--|-----------------|
| 1. New boilers, changes in boiler room and connections with new buildings, | \$2,500 |
| 2. Subway connecting training school with normal school building, | 3,000 |
| 3. Furnishing normal school, | 3,500 |
| 4. Furnishing training school, | 2,000 |
| 5. Additional lockers, | 750 |
| 6. Plumbing, toilet room for men, | 250 |
| 7. Grading and filling, | 3,500 |
| | \$15,500 |

In the enumeration of the items contained in this request it has seemed advisable to present in tabular form the estimate originally requested, as well as a later one submitted upon request by the State Board of Education, together with the amounts recommended for such items by this commission.

| ITEMS. | Old Estimate. | New Estimate. | Amount recommended by Commission. |
|--|--------------------|-------------------------|-----------------------------------|
| 1. New boilers, changes in boiler room and connections with new buildings. | \$2,500 00 | \$2,937 00 ¹ | \$2,750 00 |
| 2. Subway connecting training school with normal school building. | 3,000 00 | 5,500 00 | 3,700 00 |
| 3. Furnishing normal school, | 3,500 00 | 5,320 25 | 5,320 25 |
| 4. Furnishing training school, | 2,000 00 | | |
| 5. Additional lockers, | 750 00 | 774 00 | 774 00 |
| 6. Plumbing, toilet room for men, | 250 00 | 250 00 | 250 00 |
| 7. Grading and filling, | 3,500 00 | 3,500 00 | 2,700 00 |
| | \$15,500 00 | \$18,281 25 | \$15,494 25 |
| Allowance made on account of trench in heating contract, | - | - | 85 00 |
| | | | \$15,409 25 |

¹ Third estimate of \$2,900.

Item No. 1.—New boilers, changes in boiler room and connections with new buildings. The request for this item is misleading, inasmuch as it deals with the plural when it should provide for the installation of one 54 inch by 17 foot 3 inch horizontal return boiler, with provisions for the necessary changes in the steam mains, feed water, blow-off piping, in accordance with plans and specifications. It should also include one new 6 by 4 by 6 inch boiler feed pump, with necessary changes in the piping. In this amount should be included the setting of the new boiler as well as provisions for changes required in the piping and changes in the sheet iron work, coil, smoke pipe, steam piping, grates, trimming, etc. In this item of \$2,750 the following particulars are not included:—

Changes to be made in boiler room such as removing a 12-inch brick wall; shoring present I beam and floor with foundation for new wall; erection of new wall to replace one removed; two door openings, door frames and doors; two cast-iron foundations and columns in place; excavation and concrete for columns; column plates; excavation and concrete for boiler foundation;

new I beam and all labor on above work. The cost of such work is included in the figures submitted for Item No. 2.

The original estimate of the State Board of Education for this work was \$2,500 and was admittedly a guess figure. The subsequent estimate of the State Board of Education was in the sum of \$2,937. This is supposedly based upon figures made by Richard D. Kimball Company, and submitted to Messrs. Hartwell, Richardson & Driver, architects for the new training school at Salem. The information is in the form of a letter under date of February 10, which reads as follows: —

BOSTON, Feb. 10, 1913.

MESSRS. HARTWELL, RICHARDSON & DRIVER, 60 *Devonshire Street, Boston, Mass.*

GENTLEMEN: — In answer to your questions regarding the installation of a new boiler beside the present battery at the above-mentioned school, we have taken measurements and made drawings and have obtained a price from Huey Bros., who are the contractors for the new practice school. We have called for a new boiler of the same general dimensions as the present boilers, to be set to the right of the present boilers and to be connected to the present piping system. To do this requires certain structural changes which we understand are to be planned and the price taken by you in addition to the prices herein contained.

To set this new boiler requires certain changes in the piping and certain changes in the sheet iron work as well as new boiler setting, smoke pipe, steam piping, grates, trimmings, etc. In addition to this, in looking over the situation we feel very sure that another pump should be installed as, with the present outfit, if anything happens to one pump the load could not be carried by these pumps if it fed only cold water. Huey Bros.' price for this complete work mentioned above would be \$2,750.

In the above price is included, for the new pump and its connections, \$187.

We have also taken up with Huey Bros. the change in the underground steam connections between the normal school and the practice school, to adapt these connections to the tunnel which you are planning.

Huey Bros. state that if the pipes are run from the boiler room underground to the tunnel, then through the tunnel to the practice school, covering the steam main in the tunnel with 1½-inch thick covering and the return with standard thickness covering, they will allow \$85 from their contract which they now have for the practice school.

We have taken over these quotations and feel, considering all the work to be done, that they are reasonable.

Trusting this gives you the information you desire, we remain,

Yours very truly,

RICHARD D. KIMBALL COMPANY,
C. W. KIMBALL.

It will be observed that the State Board of Education incorrectly added to the sum of \$2,750 the price for a new pump and its connections, amounting to \$187, and making a total of \$2,937. This commission respectfully recommends that the sum of \$2,750 be appropriated for the completion of the work suggested in Item No. 1.

Item No. 2. — Subway connecting training school with normal school building. The reasons for requiring a subway are as follows: —

The normal school enrolled 342 students this year, of whom 78 are being prepared to teach in the commercial departments of high schools. The remaining 264 are training for the elementary grades. Observation and practice in teaching is an important part of their preparation. This is obtained chiefly in the training

school. Our method of using the training school is to send entire classes, small groups and individuals from the normal school to it for observation and practice. Classes of children from the training school are brought into classrooms in the normal school for typical lessons which will afford the basis of discussions in the normal school classes. Instructors in the normal school are required to go to the training school frequently for the supervision of work in their respective departments. This work must be carried on under all sorts of atmospheric conditions. It is impracticable for students or for teachers in either school to take the time that would be necessary to put on suitable clothing for their protection were there no covered way connecting the two buildings. A conservative estimate would indicate that at least several hundred people would use a subway daily. If none is provided, there will be an enormous waste of time consumed in dressing and in removing clothing. No provision exists for the care of children's clothing in the normal school, nor could suitable places for hanging normal school students' clothing in the training school have been provided without materially adding to the cost of the building.¹

The primary estimate of the State Board of Education, compiled by Agent Edw. C. Baldwin, was based upon a comparison made by him of similar work considered at Hyannis, Mass. Subsequently, revised plans for the subway were made, and in accordance with these plans estimates were submitted by the following firms at the figures presented:—

| | |
|---------------------------|---------|
| 1. William Crane, | \$5,775 |
| 2. Whiton Haynes Company, | 5,500 |
| 3. W. A. Murtfeldt, | 5,300 |

In response to solicited information relative to this particular item, Principal Pitman of the Salem Normal School has suggested the following:—

If the training school building is to be heated by the plant in the normal school it will be necessary to convey the steam pipes through a trench so constructed as to make the pipes easily accessible, unless a subway is provided. The cost of construction of such a trench would be a considerable proportion of the cost of a subway.

In commenting upon this observation the commission observes that such a conclusion should be correct, but the actual facts are not encouraging.

In the original contract for the erection and equipment of the training school provision had been made solely for pipe connections between the normal and practice school. Such pipes were to be laid in a trench. Later, the plan of a subway was contemplated, and the suggestion made by Principal Pitman that the enlarged cost of such subway would be materially reduced on account of an allowance made by the contractor for the trench previously provided. This suggestion does not appear to be supported by evidence, since an allowance of \$85 only was made for the trench so previously provided (see letter of Richard D. Kimball Company to Hartwell, Richardson & Driver, under date of Feb. 10, 1913, pages 3 and 4 of this report). The substituted plan providing for a subway is possessed of merit. The passageway will offer protection for and facilitate the work of both teachers and pupils in the institution.

Analysis of the different items suggested in connection with the building

¹ Statement of Principal Pitman to commission.

of the subway between the normal school and the new practice school, with the necessary alterations in the old building for the reception of the new boiler according to plans and specifications, warrants the commission in recommending that the sum of \$3,700 be appropriated for this item.

Items Nos. 3 and 4. — Furnishing normal school; furnishing training school. In compliance with the request of Principal Pitman as agent of the State Board of Education, Items Nos. 3 and 4 have been considered together. Attention is respectfully called to chapter 551 of the Acts of 1912, wherein provision was specifically made for the equipment of the new practice school. The item of furniture needed for this school, in addition to the furniture that was to be transferred from the training school in the normal school building, should have been purchased from the original appropriation made for the building and equipment of the new training school. This seems not to have been done. In reference to this item attention is directed to the following paragraph of a letter written under date of May 22, 1913, by Principal Pitman of the normal school, and addressed to this commission: —

With reference to furniture for the training school I will say that when the bill for the original appropriation was drawn it was our intention to purchase land, erect the building, and to provide only as much furniture as might be needed for present purposes, since the membership of the school at the beginning will be comparatively small, and to complete the furnishing of the building from small appropriations which might be added to the regular appropriations for maintenance each year until the complete equipment had been provided. This would have been included in the item designated as *furniture* in our annual budget.

The evidence apparently indicates that no proper interpretation had ever been given to the term "equipment" as employed in the language of chapter 551 of the Acts of 1912.

The commission severely criticizes and condemns this failure to act in accordance with the provisions of the law. No consideration should be given to requests for special appropriations when such requests should rightly have been taken care of under appropriations previously made. Under the circumstances, however, it has been deemed advisable, and this commission therefore recommends, that an appropriation be made to cover the existing needs. The original estimate for these two items submitted by the State Board of Education was \$5,500. A later estimate of \$5,320.25 was submitted, and the recommendation is made that this second item, to wit, \$5,320.25, be appropriated for Items Nos. 3 and 4. Details of the estimates as submitted are herewith set forth: —

Normal School.

Estimate submitted by W. B. Badger & Co.: —

| | |
|---|------------------|
| 30 tables for shorthand room, 24 by 36 inches, No. 700, at \$10.10, | \$303 00 |
| 30 tables, 3 by 9 feet, at \$32, | 960 00 |
| 30 Bentwood chairs, No. 48, at \$2.50, | 75 00 |
| 5 50-inch No. 7½ desks at \$22.35, | 111 75 |
| 10 swivel chairs, No. 255½, at \$6.10, | 61 00 |
| Estimate submitted by Heywood Bros. & Wakefield Company: — | |
| 100 chairs at \$2, | 200 00 |
| 50 chairs at \$2.75, | 137 50 |
| | <hr/> \$1,848 25 |

Training School.

Estimate submitted by Heywood Bros. & Wakefield Company:—

| | | |
|--|-----------|------------|
| 700 seats for assembly hall at \$1.50, | | \$1,050 00 |
| 350 sets school furniture at \$5.50, | | 1,925 00 |
| Estimate submitted by W. B. Badger & Co.:— | | |
| 20 42-inch No. 7½ desks at \$18.75, | | 375 00 |
| 20 swivel chairs, No. 255½, at \$6.10, | | 122 00 |
| | | <hr/> |
| | | 3,472 00 |
| | | <hr/> |
| | | \$5,320 25 |

Item No. 5.—Additional lockers, \$750. "Lockers are not to be provided for the use of the children in the training school. The appropriation for which we ask for this purpose is to be expended for lockers for students in the normal school, both men and women. We have at present 218 lockers which are used by more than 300 women. The men have no locker room and are obliged to dispose of their clothing by hanging it in the engineer's workroom. Present conditions seem to demand the installation of 150 additional lockers at \$6.88 each, 25 per cent. off, making a total expenditure of \$774."¹

The primary estimate for this item made by Agent Baldwin of the State Board of Education was \$750. A subsequent estimate was made by the Narragansett Machine Company for 150 steel lockers at \$6.88, 25 per cent. off, making a total expenditure of \$774. The difference between the primary and secondary estimates is occasioned by the substitution of steel lockers for those originally planned. The commission, in its judgment, recommends the appropriation of the sum of \$774 for this item.

Item No. 6.—Plumbing, toilet room for men, \$250. The tenor of this item is misleading. *Prima facie*, it would provide only for plumbing, for which, upon an estimate submitted by J. A. Cabeen, but \$175 was needed. In reality the needs contained in this item include the items of plumbing and furniture, as well as carpenter work. A total estimate for these three details has been submitted and is in the sum of \$250; therefore the commission recommends that the sum of \$250 be granted for the complete equipment of the emergency room of the normal school.

Item No. 7.—Grading and filling, \$3,500. The contract for the training school had been awarded and work far advanced when the additional land provided by chapter 551 of the Acts of 1912 was secured. Delay in securing the additional land so provided made necessary a second treatment of the excavated soil removed from land owned by the State upon which the training school was to be located. Had the additional land been secured before the inception of the work on the training school but one treatment of the excavated soil would have been necessary for the grading and filling. It is, therefore, to provide for the grading and filling of the additional land that the item of \$3,500 was requested. A subsequent estimate was submitted for this item, but with the figures unchanged. It would have been manifestly in accordance with sound business policy to have secured the additional land hereinbefore mentioned before beginning work upon the excavations necessary for the

¹ Statement of Principal Pitman to commission.

training school. As a matter of remedy, however, the commission in its judgment recommends for the purposes set forth in this item the sum of \$2,700 to be expended as hereinafter set forth: —

| | |
|---|-----------------------------------|
| Amount of loam to be stripped: — | |
| Large lot (square feet), | 25,000 |
| Williams property (square feet), | 15,000 |
| | <hr/> 40,000 |
| 40,000 square feet to a depth of 12 inches equals 1,481½ cubic yards. | |
| Loam to be removed (cubic yards), | 1,481½ |
| Loam to be replaced (cubic yards), | 1,481½ |
| | <hr/> 2,963 |
| 2,963 cubic yards at 50 cents equals, | \$1,481 50 |
| 2,400 cubic yards of excavating material to be used for filling and grading at 50 cents, | 1,200 00 |
| | <hr/> Total, \$2,681 50 |

A summary in the form of a recapitulation of the items, and the amounts recommended for each item by this commission, is herewith set forth in tabular form: —

| Items. | Amount recommended by Commission. |
|---|--|
| 1. New boiler, changes in boiler room and connections with new buildings, | \$2,750 00 |
| 2. Subway connecting training school with normal school building, | 3,700 00 |
| 3. Furnishing normal school, \$1,848 25 | |
| 4. Furnishing training school, 3,472 00 | <hr/> 5,320 25 |
| 5. Additional lockers, | 774 00 |
| 6. Plumbing, toilet room for men, | 250 00 |
| 7. Grading and filling, | 2,700 00 |
| | <hr/> \$15,494 25 |
| Allowance made on account of trench in heating contract, Item No. 2, | 85 00 |
| | <hr/> \$15,409 25 |

Considerable time was given to the investigation of the various items asked for in the special appropriations for this institution, and, supplementing the matter set forth in the accompanying communication, it is interesting to note that further efforts of the commission in securing a satisfactory contract for the construction of the subway and for insisting upon certain conditions connected with the award of other contracts, held the

appropriation to the original amount recommended, with a net saving to the Commonwealth in this particular work alone of practically \$3,000.

Massachusetts Agricultural College.

The very heavy call for appropriations by the trustees of the Massachusetts Agricultural College led the commission to make an extensive investigation of affairs at that institution and all of the important matters relating to it. This work was carried on by regular officials in the department, and by a special investigator who gave the time needed to acquire a very complete knowledge of the inner workings of the institution, especially so far as its business affairs were concerned. During the investigation the commission advised the Legislature of the numerous expenditures probable for 1913, and of the importance of carefully considering development at this particular institution, in the following communication:—

The Commission on Economy begs to state that it has been carrying on an exhaustive investigation of the requests for money from the State Treasury made by the Massachusetts Agricultural College.

This college is now and has been for a number of years increasing its expenses and extending its activities into new fields at an alarming rate.

This institution is now requesting a special appropriation of \$250,000, and an increase of \$50,000 in current appropriations, making a total demand this year of \$550,000.

An act passed by the Legislature in 1912 specially provides the Massachusetts Agricultural College with an annual current appropriation, which this year under the act will be \$79,500 more than last year.

Besides this, the present new demands aggregate \$300,000, and with the present forecast of the income of the State, and with no new methods in sight to increase the State's revenue, these and similar requests should be most carefully considered.

The Commonwealth of Massachusetts has already assumed such large financial obligations, in so many different directions, that the citizens of the Commonwealth are facing the largest State tax in the State's history. It appears from present sources of information that this tax may approximate the huge sum of \$8,000,000.

It is our opinion that the State ought not to involve the citizens of the Commonwealth by increasing expenses, unless it can be clearly proven that such expenses are absolutely and vitally necessary.

While this commission has every sympathy with the necessity for education benefiting agriculture, we respectfully advise that the Massachusetts Agricultural College, like all institutions dependent upon the money of the taxpayers of the State, should regulate its affairs commensurate with the public purse.

We beg to say that within a short time we will have in hand a complete

review of the Massachusetts Agricultural College, which we shall be prepared to render to any committee or committees before which the institution's requests may be submitted.

Inasmuch as we believe that the information in our possession has important bearing on this institution, we respectfully submit that such information may be of use to any committee or committees to which may be referred the requests of the Massachusetts Agricultural College.

The result of the special investigation is set forth in the following communication submitted to the House chairman of the committee on ways and means, under date of May 20, 1913:—

DEAR SIR:—In accordance with chapter 719 of the Acts of the year 1912, the Commission on Economy and Efficiency respectfully submits the following report and recommendation relative to the requests for special appropriations made by the Trustees of the Massachusetts Agricultural College. Such requests are to be found on page 10 of House Document No. 2 and are herewith set forth:—

| | |
|---|-----------|
| 1. Erection and equipment of laboratory for agriculture, . . . | \$210,000 |
| 2. Repairs to college buildings and general improvements, . . . | 40,000 |
| | <hr/> |
| | \$250,000 |

In support of the request for an agricultural laboratory, it has been argued that (a) the present classrooms are overcrowded, this condition especially obtaining in the department of humanities in which is included rural social science.

Again it has been urged (b) that the department of agronomy should be allowed more laboratory and classroom accommodations. It was intended that one-half of the floor space in the proposed building should be used by this department.

Need for the proposed building is further urged because (c) of the alleged immediate necessity for exclusion from the dairy building of other departments in the agricultural division now occupying space therein.

Investigation has failed to disclose conditions in complete harmony with the arguments advanced. The number of undergraduates is slightly in excess of 500, while the aggregate seating capacity of the classrooms has been shown to be over 1,500. It has also developed that some of the classrooms are used a few hours only during the week. There are about 25 courses within the college curriculum which are regularly held in classrooms, and are attended by an average of from 2 to 5 or 6 students. These courses are practically entirely embraced within the so-called liberal arts. It has been urged by the chairman of the committee on class-hour arrangement at the college that the abolition of courses in the liberal arts would make possible a more economical and efficient use of classrooms. The present arrangement of courses in the liberal arts is manifestly extravagant and should meet with radical reform.

The plea for greater laboratory and classroom accommodation in the department of agronomy is not well supported by existing conditions. The laboratories of the department are under the South College building. Here

the department has almost twice the amount of floor space it had the year previous. True it is that the laboratories are insufficiently lighted and ventilated, but this defect can be remedied to advantage by the expenditure of a few hundred dollars. The class lecture room of this department, located in the new dairy building, contains a seating capacity of about 100. Other plans for the further solution of the problem of floor space are available and in the possession of the commission.

The argument based upon the need of greater space for the Dairy department and the exclusion, therefore, of all other departments from this building is not justified. In its new building the Dairy department has an amount of floor space five times that possessed the year previous. From the statements of the head of this department such space will meet with the needs of that department for the next five years.

This commission finds it impossible to recommend the expenditure of \$210,000 for the erection and equipment of a laboratory for agriculture. Eventually, such a building may be needed, but its erection at the present time is not justified. True it is that at certain agricultural colleges there are to be found agricultural buildings, but it is equally true that such buildings usually house departments for which separate buildings are provided at the Massachusetts Agricultural College.

The building proposed would accommodate approximately 1,000 students, almost twice the number now doing college-grade work. The time is still of the future when plans for such increased student body should be made.

The second item in the request for special appropriation is in the sum of \$40,000, to be expended for improvements and repairs.

The method followed in the past relative to the maintenance of buildings and grounds has not been an efficient one. It appears that no definite plan relative to repair work has ever been adopted. The result of this unsatisfactory policy has necessitated the expenditure of large sums of money when repairs were finally made. A definite and efficient system of operation in such matters is recommended as absolutely essential if the proper results are to be obtained. It is believed that such plan should become an integral part of the administrative machinery in this institution in the future. Nevertheless, a portion of the total \$40,000 requested for improvements and repairs has appeared reasonably necessary to this commission, and recommendation is made that the sum of \$26,000 be expended for the purposes set forth in the following items:—

General Improvements and Repairs.

| Number of Project. | PROJECT. | Amount. |
|--------------------|--|----------|
| 5 | Improvements at president's house, | \$800 00 |
| 7-9-12 | Repairs and improvements at South College, | 6,500 00 |
| 10 | Extension of water mains, | 1,000 00 |
| 14 | Grading around dairy building, | 500 00 |
| 17-34 | Painting college buildings, | 1,275 00 |
| 18 | Repairs to North College, | 350 00 |

General Improvements and Repairs — Concluded.

| Number of Project. | PROJECT. | Amount. |
|--------------------------|---|-------------------|
| 26 | Addition to young stock stable, | \$2,100 00 |
| 27 | Piggery, | 3,000 00 |
| 28 | Living accommodations for farm help, | 2,100 00 |
| 29-30 | Improvements at poultry plant and fencing poultry farm, | 2,000 00 |
| 32 | Draining Harlow farm, | 325 00 |
| 38 | Improvements on grounds, | 1,155 00 |
| 39 | Construction of new walks, | 1,500 00 |
| 40 | Road construction, | 1,250 00 |
| 44 | Repairs on greenhouse, | 125 00 |
| 46 | Repairs and improvements in chemistry building, | 550 00 |
| 49 | Exhibition cases for zoölogical museum, | 115 00 |
| 52 | Book shelves in library, | 100 00 |
| 53 | New targets on indoor range, | 350 00 |
| 69 | Repairs and improvements at barn of experiment station, | 335 00 |
| 70 | Repairs and improvements on hot-house experiment station, | 200 00 |
| 71 | Retracking vegetation house, experiment station, | 80 00 |
| 72 | Repairs on farm house, experiment station, | 280 00 |
| 73 | Repairs at barn and creamery, experiment station, | 210 00 |
| | | <hr/> \$26,000 00 |

The commission is convinced that no educational institution is complete when little or no adequate accommodations are at hand to care for the physical well-being of the students. Establishment, therefore, of an infirmary at the college is a real need and one that must be provided for in the immediate future.

The departments of forestry and market gardening seek accommodations in French Hall, and to provide properly for the same an addition to the hall is necessary. When the appropriation was made for the erection of French Hall it was understood that but a portion of the building for which plans were submitted was to be erected, and that the remaining part, as shown upon the plans, should be constructed when the need for such should become apparent. That need is a present urgent one.

It appears to have been the custom in past years to engage, periodically, architects to draft plans of proposed buildings for which appropriations would be requested. Should the requested appropriation fail to materialize, the fees due the architects would be paid by the treasurer of the college, and the record of such expenditure carried by him in a special account, and this because no appropriation would have been made for such item. The commission in its judgment recommends an appropriation, covering such disbursements for architects' fees, in the sum of \$4,202.11, and itemized in the following manner: —

| | |
|---|------------|
| For rough plans and specifications of Wilcox & Sayward for a house for the head of the division of horticulture, requested in 1909, | \$80 00 |
| For complete plans and specifications for the addition to the plant and animal chemistry building (this was in 1910), | 619 75 |
| For complete plans and specifications for the dormitory (requested in 1911), | 925 29 |
| For complete plans and specifications for the agricultural building and equipment (requested in 1912), | 2,305 85 |
| For complete plans and specifications for a house for the registrar, | 271 22 |
| | <hr/> |
| | \$4,202 11 |

The method utilized by the college authorities in the matter of expenses connected with architects' fees is faulty in the extreme, and is deserving of pronounced criticism. To obviate this situation, and to eliminate future problems of like nature, the following amendment to section 5 of chapter 520 of the Acts of 1907 is suggested:—

Section five of chapter five hundred and twenty of the acts of the year nineteen hundred and seven is hereby amended by striking out in the fourth line the word "and" and by inserting in the fourth line after the word "children" the words:— and the Massachusetts Agricultural College, — so as to read as follows:— *Section 5.* To meet the expenses incurred under the provisions of section two on account of state institutions and on account of the Massachusetts School for the Feeble-Minded, the Hospital Cottages for Children, and the Massachusetts Agricultural College, a sum not exceeding two thousand dollars may annually be expended. Bills of such expenses shall not be paid until they have been approved by said state board.

The commission, therefore, recommends, in addition to the special appropriation of \$26,000 for improvements and repairs, \$4,202.11 for architects' fees and the further special appropriation of \$50,000, to be expended as follows:—

| | |
|---------------------------------|----------|
| For an infirmary, | \$15,000 |
| For an addition to French Hall, | 35,000 |
| | <hr/> |
| Total, | \$50,000 |

Summary.— Special appropriations asked for by the trustees for the year 1913.

| | |
|-------------------------------|-----------|
| For an agricultural building, | \$210,000 |
| For improvements and repairs, | 40,000 |
| | <hr/> |
| Total, | \$250,000 |

To take the place of the foregoing we recommend the following appropriations:—

| | |
|---------------------------------|-------------|
| For improvements and repairs, | \$26,000 00 |
| For architects' fees, | 4,202 11 |
| For an infirmary, | 15,000 00 |
| For an addition to French Hall, | 35,000 00 |
| | <hr/> |
| Total, | \$80,202 11 |

It appears highly desirable to place the finances of the college upon a permanent basis for a period of not less than five years. Such plan would enable the Legislature to know in advance the probable needs of the institution during that period, as well as it would constitute a notice to the trustees of the need to keep within the respective annual appropriations. For matters of convenience the following table is appended herewith indicating the appropriations, both current and special, allowed during the past five years:—

| | Current. | Special. | Total. |
|---|--------------|--------------|-----------------------------|
| Acts of 1909, chapter 17, | \$79,500 00 | — | — |
| Resolves of 1909, chapter 28, | — | \$30,000 00 | — |
| Resolves of 1909, chapter 109, | — | 128,500 00 | \$238,000 00 |
| Acts of 1910, chapter 15, | 101,500 00 | — | — |
| Resolves of 1910, chapter 158, | — | 115,625 00 | 217,125 00 |
| Acts of 1911, chapter 533, | 139,000 00 | — | — |
| Resolves of 1911, chapter 111, | — | 122,500 00 | 261,500 00 |
| Acts of 1912, chapter 279, | 173,500 00 | — | — |
| Resolves of 1912, chapter 116, | — | 80,000 00 | 253,500 00 |
| Acts of 1913, chapter 46, | 250,000 00 | — | — |
| Resolves of 1913, chapter (estimate), | — | 80,202 11 | 330,202 11 |
| | \$743,500 00 | \$556,827 11 | \$1,300,327 11 ¹ |

¹ Yearly estimate, \$260,065.42.

In formulating this five-year period plan it is necessary to be guided by the probable growth of the college for such time. In the year 1909 the total number of students performing work of college grade was 282. This number was increased in the year 1913 to 555. During that period the average increase each year was about 16 per cent. The present school year shows an increase over last year of but 7 per cent. Estimating the average increase during the next five years at 8 per cent. yearly, or one-half the average during the past five years, it would seem that the number of students attending the institution in the year 1918 would probably be somewhat in excess of 800. Mention must be made of the students who attend the so-called short courses. The most important course, in point of time, is what is known as the ten-weeks' course; most important in point of number is the course given during farmer's week. The following table illustrating the enrollment in the short courses is herewith appended for examination:—

Enrollment in Short Courses from 1908-13.

| | 1908. | 1909. | 1910. | 1911. | 1912. | 1913. |
|---|-------|----------------|-------|-------|----------------|----------------|
| Ten weeks' course, | 31 | 62 | 68 | 113 | 131 | 142 |
| Poultry, | - | - | 51 | 75 | 80 | - ¹ |
| Apple-packing school, | - | - | - | - | 40 | 25 |
| Farmer's week, | - | - | 559 | 830 | 1,040 | 950 |
| Polish farmer's day, | - | - | - | 89 | 57 | - |
| Tree warden's school, | - | - | - | - | - | 44 |
| Bee course, | 10 | - ² | 19 | 12 | 10 | - ³ |
| Summer school, | 153 | 162 | 227 | 155 | - ³ | - ³ |
| Conference for rural community leaders, | - | - | 325 | 259 | 184 | - ³ |
| Totals, | 194 | 224 | 1,249 | 1,533 | 1,542 | - |

¹ Made part of ten weeks' course.² None.³ Not yet held.

In attempting a five-year plan of operation a difficulty is met with in relation to the possible provision necessary for new buildings and their equipment. The erection of new buildings depends to a large extent upon the future growth of the student body. In the absence of positive information upon such increase it is manifestly evident that this question cannot be decided at present with accuracy, and no recommendation, therefore, is made as to new buildings and their equipment during the five-year period, it being considered best to postpone this question to some future date.

It is suggested that a statutory provision be enacted whereby the requests made by the trustees for new buildings and their equipment be accompanied by plans and detailed specifications and estimates thereon, which same shall be submitted to this commission for approval.

Annual Appropriations recommended, exclusive of New Buildings and their Equipment.

| | |
|---------------------------------|-------------|
| In 1914, | \$280,000 |
| In 1915, | 303,000 |
| In 1916, | 325,000 |
| In 1917, | 341,000 |
| In 1918, | 362,000 |
| Total for five years, | \$1,611,000 |
| Average, | 322,200 |

It is to be understood that the respective amounts referred to do not include certain small appropriations which are made annually for the purpose of carrying out the provisions of certain special statutes to which reference will be subsequently made.

Conclusions stated in the foregoing figures have been reached upon the assumption that there will be an increase in the number of students of at least 8 per cent. over the year previous, or one-half the average percentage

of increase during the past five years. This, however, must be understood to be but an assumption, with the necessary limitations accompanying such.

Recommendation is made that a bill relative to annual payments to be made the college shall be so framed that it will clearly appear therein that the sums to be paid shall not exceed the respective amounts which have been recommended, so that, if the number of students does not increase in the above-mentioned ratio, this can be taken into consideration in making up the annual appropriation bill.

List of Annual Appropriations recommended, exclusive of New Buildings and their Equipment (Five-year Period).

| | PRESENT CURRENT APPROPRIATION. | | | | | |
|--|--------------------------------|---------|---------|---------|---------|---------|
| | 1913. | 1914. | 1915. | 1916. | 1917. | 1918. |
| General administration, | 30,000 | 30,000 | 31,000 | 32,000 | 33,000 | 34,000 |
| Equipment, general maintenance, including heat, light, water and labor; repairs, including repairs to college buildings, | 80,000 | 85,000 | 90,000 | 95,000 | 100,000 | 105,000 |
| Improvements, | — | 8,000 | 10,000 | 10,000 | 10,000 | 10,000 |
| Agricultural investigations and experiments, including maintenance of the Massachusetts Agricultural Station, | 15,000 | 20,000 | 25,000 | 30,000 | 35,000 | 40,000 |
| Theoretical and practical instruction required by the charter of the college and by the laws of the United States, | 75,000 | 85,000 | 90,000 | 100,000 | 105,000 | 115,000 |
| Short courses and extension work in agriculture, | 50,000 | 50,000 | 50,000 | 50,000 | 50,000 | 50,000 |
| Graduate school, | — | 2,000 | 2,000 | 3,000 | 3,000 | 3,000 |
| Additional land, | — | — | 5,000 | 5,000 | 5,000 | 5,000 |
| Improvements and repairs, special appropriation, | 26,000 | — | — | — | — | — |
| | 276,000 | 280,000 | 303,000 | 325,000 | 341,000 | 362,000 |

General Administration.

The present current appropriation for general administration is \$30,000. Beginning with the year 1915, an increase is recommended of \$1,000 each year for four consecutive years. The expenses that come under the head of general administration include salary of the president and his secretary, clerk hire; salary of dean, assistant dean, clerk hire; salary of treasurer, cashier, bookkeeper, clerk hire; part of salary of registrar, clerk hire; miscellaneous expenses for such purposes as lectures, travel, commencement, student activities, etc. With the growth of the college a reasonable increase for the above-enumerated purposes is to be expected.

Equipment, General Maintenance, etc.

The present current appropriation is \$80,000. The purposes for which this appropriation is authorized, as set forth in the act, are "for teaching equipment and the general maintenance of the college, including heat, light, water and labor." It is recommended that the addition of the words "repairs, including repairs to college buildings" be made; also that the word "teaching" be eliminated. During the past five years only a small portion of the current

appropriation has been expended for repairs, to wit, an average of less than \$5,000 per annum. From special appropriations, on the other hand, there has been expended for repairs, during the same period, an average of no less than \$10,000 per annum. The same plan has been followed in the past with reference to equipment, not including any equipment for new buildings.

Equipment Account, exclusive of New Buildings.

| | Current. | Special. |
|-----------------|------------|-------------|
| 1910, | \$2,033 52 | \$5,874 63 |
| 1911, | 3,024 54 | 10,628 73 |
| 1912, | 4,020 47 | 11,081 77 |
| | \$9,078 53 | \$27,535 13 |

From the foregoing it will be seen that during the past few years an average of approximately \$20,000 per annum has been disbursed from special appropriations for equipment and repairs. This is all done away with under the five-year plan.

At this point something should be said relative to the appropriation recommended for improvements, although it is the next item on the list. Special appropriations for repairs have generally included improvements, and sometimes they have been combined in one appropriation. The special appropriations for repairs and general improvements since 1909 have been in excess of \$25,000 per annum. Of this sum an average of no less than \$15,000 has been expended annually for general and minor improvements. The amount recommended annually for improvements is approximately \$10,000.

It may seem, at first glance, that, if no special appropriations for the above-named purposes are to be made during the five-year period, our recommendation with reference to improvements, equipment, general maintenance, etc., may prove insufficient.

But it should be borne in mind that the current appropriation for teaching equipment, general maintenance, etc., in 1912, was only \$58,000, whereas in 1913 it is \$80,000, an increase of \$22,000. It is true that the appropriation of \$58,000 was insufficient, but, on the other hand, the income from the technical education funds, which amounts to \$10,613.32 annually, is applied by the trustees to general maintenance. The only restriction on the use of this income is that no part thereof may be used for the erection or repair of any building.

Improvements.

This item has already been discussed under "Equipment, General Maintenance, etc."

Agricultural Investigations, etc.

This includes investigations and experiments at the agricultural station and also the maintenance of the station. The Massachusetts Agricultural Station is supported in part by the federal government, which contributes the sum of \$30,000 per annum. This is divided into two funds known as the Hatch fund and the Adams fund, each of which consists of \$15,000.

In addition to this income the Commonwealth appropriates \$15,000 per annum (Acts of 1912, chapter 705). The trustees, however, are asking for the additional sum of \$15,000 per annum which would bring the annual appropriations up to \$30,000. (House Bill No. 711; House Bill No. 712.)

In discussing appropriations for the next five years with our representative, the president and a committee of the trustees raised that figure to \$56,000 for 1914, with an increase for each successive year, calling for an average of \$65,000 per annum. This they declared to be their minimum estimate.

The value of the work done by the Massachusetts Experiment Station is by no means underestimated, but there appears to be no limit to the work that can be done by the station, and economy demands that the line should be drawn at a figure that is reasonable.

The recommendation is made, therefore, that an increase of \$5,000 each year for five years be provided in addition to the present appropriation of \$15,000, which would give an average of \$30,000 per annum. This figure is considered fair and reasonable.

Among the projects for which additional funds are said to be needed by the experiment station are stock and scion of apple trees; studying the effect of insecticides on trees, additional help in plant breeding department of the horticultural division; floricultural experiment work; experiment work in cold storage, market-gardening department; extended investigation of apple crop; work in soil biology; investigations in veterinary medicine; study of soil types, local climate altitudes, etc.

The appropriations which are recommended for the experiment station, are, of course, exclusive of those which are made annually to enable the station to enforce the provisions of certain special statutes, to wit, an appropriation of \$6,000 for the inspection of commercial feedstuffs (Acts of 1912, chapter 527, section 14), and an appropriation of \$500 to cover the cost of prosecutions by the director of the station for violations of Acts of 1912, chapter 218.

Short Courses in Extension Work.

The appropriation for short courses and extension work last year was \$20,000. This year (1913) it is \$50,000. The short courses are given at the college. The other activities of the department take place away from the college, and in correspondence courses. The department derives a small income from fees for certain short courses and for correspondence courses. The fee for the apple-packing school is \$10, and, for the ten weeks' course, \$5. The correspondence courses are \$1 for each lesson. It would exceed the limits of this report to describe the work of the extension department in detail. It is valuable work, and no doubt a much larger appropriation could be used to advantage. But the line has got to be drawn somewhere, and, in view of the large increase over last year, it is felt that the present appropriation of \$50,000 ought not to be exceeded.

Instruction.

The present appropriation for instruction is \$75,000 per annum, but there is another source of income for this purpose, namely, \$33,333.33 received each year from the United States.

The appropriations made by the Commonwealth for instruction during the past five years were as follows: —

Recommendation is made for an appropriation of \$2,000 in 1915 for the graduate school, the same amount in 1916, and \$3,000 for each of the three subsequent years. The appropriation is for maintenance and instruction. There are now 25 students in the graduate school, and all are doing advanced work in the agricultural sciences. The school has recently been reorganized with Dr. Marshall at its head. An appropriation of \$2,500 was made for the graduate school in 1910, and an additional sum of \$2,500 in 1911. No appropriation has been asked for since, because there was a balance on hand from these appropriations which had not been used. Much is expected of the

graduate school in the future, and it is believed that the several amounts recommended are reasonable.

Additional Land.

It is obvious that the college ought to have a perfectly equipped farm, where the men who intend to take up practical farming may be given the opportunity of obtaining practical experience in farm work. At some agricultural colleges the men taking the agricultural course are not permitted to graduate until they have had such experience. Need for land is alleged for the poultry department, and some complaint is made by the station that its available land is insufficient. An appropriation of \$5,000 for each year beginning with 1915 is recommended for the above-named purposes; it is submitted that this allowance is a reasonable one.

Appropriations under Special Statutes.

The appropriations recommended do not include certain sums authorized for the purpose of carrying out the provisions of certain special statutes, to wit:—

| | |
|---|----------|
| 1. Traveling expense of trustees (Acts of 1889, chapter 45), | \$800 |
| 2. Printing and binding report of trustees (see R. L., chapter 9, section 7, amended by Acts of 1910, chapter 429), | 3,000 |
| 3. Inspection of commercial feedstuffs (see Acts of 1912, chapter 527, section 14), | 6,000 |
| 4. Inspection of milk utensils (Acts of 1912, chapter 218), | 500 |
| | <hr/> |
| | \$10,300 |

Recommendation is made that copies of all bills requesting financial legislation in any manner or form relating to or affecting the Massachusetts Agricultural College be submitted for examination to this commission. Such method of procedure is one the merit of which is self-evident; the result, a safe and conservative businesslike system that can but argue for greater efficiency and development of the institution.

In conclusion, and having in mind the number of, and salaries paid to, instructors, and the ratio of the teaching force to the aggregate student body, the commission reports a situation obtaining at the Massachusetts Agricultural College which will meet with favorable comparison.

Summary of Recommendations.

| | |
|---|--------------|
| Maintenance appropriation, 1913, | \$276,000 00 |
| Maintenance appropriation, 1914, | 280,000 00 |
| Maintenance appropriation, 1915, | 303,000 00 |
| Maintenance appropriation, 1916, | 325,000 00 |
| Maintenance appropriation, 1917, | 341,000 00 |
| Maintenance appropriation, 1918, | 362,000 00 |
| Special improvements and repairs, 1913, | 26,000 00 |

Specials.

| | |
|--|-----------|
| Addition to French Hall, | 35,000 00 |
| Infirmary, | 15,000 00 |
| Architects' fees, for which no appropriation has been previously made, | 4,202 11 |

Amend chapter 520 of the Acts of 1907 to include Massachusetts Agricultural College.

CARE OF PUBLIC RECORDS.

The attention of the commissioners having been called to the fact that no law existed providing for proper safeguard and care of the records of the Commonwealth, so far as State departments and commissions were concerned, the attention of the Legislature was called to this matter by the following communication, which resulted in the passage of a law remedying this defect: —

It is of great importance to carefully preserve and protect the public records of the various State departments and the State institutions, both in and outside of the State House.

We believe that the Commissioner of Public Records should be provided with adequate powers of law and inspection to make such protection.

We find that, while the Commissioner of Public Records has the power, under the law, to safeguard the documents of cities, towns and counties, and of the courts in the Commonwealth, with the exception of the Supreme Judicial Court of the Commonwealth, he has no power whatever to see to it that the documents of the State departments and commissions are safeguarded against fire or other catastrophe.

We find that the law which requires protection for the priceless documents controlled by the State departments is not complied with, and it is our belief that a fire might originate in the State House alone which would cause damage and loss to the State which never could be estimated.

We believe, therefore, by law, that the Commissioner of Public Records should have the power to adequately safeguard the priceless documents which are in the State's possession.

LEGISLATION RELATIVE TO HOUSING CONDITIONS.

Under date of April 15, 1913, the commission sent to the Governor the following communication, dealing with pending legislation for an investigation of housing conditions in the Commonwealth: —

DEAR GOVERNOR FOSS: — The Commission on Economy and Efficiency hereby reports on House Bill No. 1202, as amended and reported by the Committee of Social Welfare, which, with the engrossed copy of the act and accompanying papers, was referred to this commission by Your Excellency on April 14. We note that the time for executive action on the bill expires April 16, and we therefore hasten to render our report.

House Bill No. 1202, as amended by the Committee on Social Welfare, reads as follows: —

SECTION 1. Every city of the commonwealth, and every town having a population of more than ten thousand at the last preceding national or state census, is hereby authorized and directed to create a board to be known as the planning

board, whose duty it shall be to make careful studies of the resources, possibilities and needs of the city or town, particularly with respect to conditions which may be injurious to the public health, or otherwise injurious in and about rented dwellings, and to make plans for the development of the municipality with special reference to the proper housing of its people. In cities, the said board shall be appointed by the mayor, subject to confirmation by the council, and in cities under a commission form of government, so-called, the members of the board shall be appointed by the governing body of the city. In towns, the members of the board shall be elected by the voters at the annual town meeting.

SECTION 2. Every planning board established hereunder shall make a report annually to the city council, or governing body in cities and to the annual town meeting in towns, giving information regarding the conditions of the city or town, and any plans or proposals for the development of the city or town and estimates of the cost thereof; and it shall be the duty of every such local planning board to file a copy of all reports made by it with the homestead commission.

SECTION 3. The homestead commission, created by chapter six hundred and eleven, of the acts of the year nineteen hundred and eleven, is hereby directed to call the attention of the mayor and city governments in cities and the selectmen in each town having a population of more than ten thousand at the last preceding national or state census to the provisions of this act in such form as may seem proper; and said commission is furthermore authorized and directed to furnish information and suggestions from time to time to city governments and to the selectmen of towns and to local planning boards, when the same shall have been created, such as may, in its judgment, tend to promote the purposes of this act and of those for which the said commission was established.

SECTION 4. The city council or other governing body in cities is authorized to make suitable ordinances, and towns are authorized to make suitable by-laws, for carrying out the purposes of this act, and they may appropriate money therefor.

SECTION 5. This act shall take effect upon its passage.

This commission is of the opinion that the housing problem in our municipalities is one of the most urgent in our modern life. The problem has received much attention in the past with particular reference to the health questions involved. A generous share of legislation now on the statute books concerning housing conditions deals with either health considerations or with fire risks and structural conditions. All of these are important, but there are many evils in the present housing conditions which cannot be removed by existing legislation. It appears to this commission that an analysis of the housing problem involves certain fundamental economic considerations which have not received sufficient study in the past. Proper homes for poorer people and those of moderate means cannot be provided until careful consideration has been given to such economic factors as rents, taxes and location of homes, with particular reference to accessibility to places of employment, markets and localities given to amusement and recreation. The problem also involves careful consideration of transportation facilities.

Students of municipal affairs are coming to realize more and more that many of our present-day evils are unavoidable until adequate city planning has been developed. We must have constructive work done by our legislative and administrative bodies if any material improvement is to be made in present conditions.

It seems to this commission that the bill submitted for our consideration takes the first step in providing for constructive work in the solution of the housing problem. So far as the proposed act goes, it appears to this com-

mission to be commendable. It is our belief that the local planning boards should be supervised and directed by some State agency composed of men who are thoroughly informed on all phases of the housing problem, and who have knowledge as to the best methods to be pursued in attempting to work out improvements. It is, for example, of importance that the personnel of the local planning boards should include a sanitary expert, an expert in municipal real estate problems and a transportation expert. It probably would not be wise in this initial legislation for the law to specify the appointment of such persons to the local planning boards, but it is highly desirable that some means be taken to insure the appointment of qualified persons to these boards. With adequate State supervision the selection of competent local men would be more probable than without such supervision.

The Homestead Commission appears to be the logical State body to deal with the local planning boards. The provision in the proposed act for the Homestead Commission to "furnish information and suggestions" to the local boards, and for the local boards to render all their reports to that commission, is commendable. It appears, however, probable that with the future growth of this work some provision will have to be made for more thorough State supervision. The Homestead Commission, as at present constituted, is able to give but a limited amount of time to its work, since it is composed of men holding prominent positions which require the major portion of their time.

In summing up the opinion of this commission it may be stated that the proposed bill appears to be a highly desirable measure, but that more thorough State supervision of the local boards would be desirable, if such be feasible. After careful consideration it seems to this commission that for the time being, at least, the best plan is for the bill to be enacted in its present form, providing for the Homestead Commission to act in the capacity of adviser to the local boards. We would repeat, however, our opinion that in the future more adequate provision will need to be made for directing and supervising this work.

BALLOT LAW COMMISSION.

The multiplicity of laws affecting the methods of nominating and electing public officials has resulted in adding to the duties of the Ballot Law Commission not only a great deal of work which is clearly defined as in line with their duty, but has brought to their attention many cases over which there has been considerable doubt as to their jurisdiction. That many of these difficulties might be removed, and a more comprehensive law placed upon the statute book defining their duties and enlarging their powers, the following communication was sent to the General Court, with a proposed bill: —

Under chapter 719 of the Acts of the year 1912 the Commission on Economy and Efficiency begs to submit the following report and recommendation with accompanying bill.

We recommend the enlargement of the powers and the change of name of the State Ballot Law Commission, so that this commission may become an elections court for the Commonwealth, with ample powers to decide and finally

determine all controversies, questions and causes arising and growing out of or affecting any or all elections, caucuses, primaries and conventions in the Commonwealth, on the rights of candidates or other persons interested therein or affected thereby, so that the administration of all laws relating to elections shall be referred, heard, considered and speedily determined by this court.

The present Ballot Law Commission as now organized has jurisdiction of objections to certificates of nomination and nomination papers filed with the Secretary of the Commonwealth by candidates for all offices to be elected at State elections and all questions arising in relation thereto, and said commission has also jurisdiction upon objection to nomination papers filed under the primary law by candidates for State offices.

By recent legislation in 1912 the Ballot Law Commission was constituted the State Board of Voting Machine Examiners, charged with the duty of examining voting machines, ballot boxes, counting apparatus and to approve such thereof as in their judgment conformed to the requirements of law.

The jurisdiction of the Ballot Law Commission would be much more effective and efficient, and money expended from the State's treasury for the support of this commission would be much better administered, in our opinion, if the Ballot Law Commission was not limited to questions which arise after the filing of papers and confined to the precise question stated in the objection. Greater efficiency and direct results would be obtained if the Ballot Law Commission should have the power to deal with all election cases. At present the law expressly states that upon all questions within the jurisdiction of the Ballot Law Commission its decision shall be final, but oftentimes questions have arisen where the common-law courts have been appealed to, resulting in an apparent needless conflict of authority.

In order to give relief in election matters, which are now most intricate, and by most persons little understood, we believe the Ballot Law Commission should be empowered to hear and determine all election controversies, and give prompt settlement to all questions affecting the administration of election laws, particularly as it is clear that such laws require speedy determination.

Serious questions have arisen which, owing to lack of time and to distance involved, and necessity of notice and emergencies incidental to the printing and distribution of ballots, have been prevented from consideration by the court where speedy determination is necessary; and in these questions an elections court, composed of men, students of and familiar with our intricate election laws and conversant with their history, would speedily and justly give adequate consideration and prompt correction and decision.

In the bill appended hereto, in order to make provision for distance from said court in these matters, we recommend that the elections court, by vote of its members, may direct testimony to be taken in all causes before it, in such manner as depositions may be taken to be used in civil causes pending within the Commonwealth, and may limit the time and appoint one or more commissioners for the taking of such depositions.

Prerogative writes to which those who administer elections are properly amenable should be within the jurisdiction of an elections court familiar with all laws relating to elections. Those persons throughout the Commonwealth who administer election laws, both in State and municipal elections, constantly, from time to time, require direction and advice to provide for uniform and systematic administration of elections and matters pertaining thereto, as well as a uniform consideration of election laws.

In order to wisely expend the State's money and to justly determine these matters we respectfully submit there should be an elections court, a central department empowered and charged with administration and with final and full authority to compel a uniform and harmonious administration and interpretation, and this authority should have the right to hear and finally determine all election appeals.

Massachusetts stands, since the adoption of the Australian ballot, as the foremost State in equipment and secrecy in elections. This position will be difficult to maintain under our present intricate election laws; but we feel that an elections court, established on lines similar to the act hereto appended, charged with the duty of keeping thoroughly informed regarding legislation in foreign States concerning election laws, ballots and all other methods, jurisdiction and paraphernalia concerning elections, would be economical and efficient and give speedy relief to the condition which is now pressing.

We furthermore believe and recommend that such a court should be empowered with the power of recommendation and final approval and adoption of ballot-voting machines, counting devices and other equipment pertaining to election matters, as the Ballot Law Commission is now empowered.

In view of the above facts, and the additional duties and responsibilities proposed and the enlargement of the powers of the Ballot Law Commission as outlined above, with the responsibility to finally determine election matters, we believe the inadequate salary of the Ballot Law Commissioners should be made commensurate with the labors and duties and responsibilities which we trust will be added to them.

We heartily approve of the conscientious work of the present Ballot Law Commissioners, and respectfully call the attention of your honorable bodies to their efficiency and work at small remuneration. The work of all the commissioners is most praiseworthy, but we especially wish to commend the work of the chairman, Mr. Henry V. Cunningham, whose careful study of election matters, and whose service on the Ballot Law Commission, has made him the leading exponent and authority on election matters in this country. He has given to the State service of an inestimable value, at a salary which is entirely nominal.

Respectfully,

COMMISSION ON ECONOMY AND EFFICIENCY.

AN ACT TO ESTABLISH AN ELECTIONS COURT.

Be it enacted, etc., as follows:

SECTION 1. The duties of the ballot law commissions throughout the commonwealth are hereby transferred to the state ballot law commission as it is now constituted, which shall hereafter be known as the elections court, as herein created, established and described, and all powers, duties and jurisdiction heretofore vested in any or all bodies known as ballot law commissions throughout the commonwealth are hereby transferred to the elections court of the commonwealth.

The presiding member of the elections court shall be designated by the governor.

SECTION 2. The elections court of the commonwealth shall have the power to summon and compel the attendance of witnesses and administer oaths, and may require the production of books and papers at hearings before it upon all matters within its jurisdiction.

Witnesses shall be summoned in the same manner, be paid the same fees, and be subject to the same penalties as witnesses before the superior court. The

summons may be signed and the oath may be administered by any member of said court.

SECTION 3. All controversies, questions and causes, arising and growing out of, or affecting any or all elections, caucuses, primaries and conventions in this commonwealth, or the rights of candidates or other persons interested therein, or affected thereby, and the administration of all laws relating to elections shall be within the exclusive, original jurisdiction of and shall be heard, considered and finally determined by said elections court.

SECTION 4. The elections court by vote of its members may direct testimony to be taken in all causes before it, in such manner as depositions may be taken to be used in civil causes pending within the commonwealth, and may limit the time and appoint one or more commissioners for the taking of such depositions.

SECTION 5. The presiding member of said court shall receive a salary of two thousand dollars, and the other two members shall receive a salary of fifteen hundred dollars each, per annum.

SECTION 6. The elections court may spend for expenses and clerk hire a sum of not more than twenty-five hundred dollars for the year ending November thirtieth, nineteen hundred and thirteen, and in succeeding year or years such sum or sums as may be appropriated by the great and general court.

SECTION 7. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 8. This act shall take effect upon its passage.

LABOR.

Matters affecting two important Boards in the Commonwealth having to do with the interpretation and administration of labor laws were brought to the attention of the commissioners, and their attitude with relation thereto is set forth in the following communication addressed to the General Court, under date of Feb. 21, 1913.

The Commission on Economy and Efficiency, under chapter 719 of the Acts of the year 1912, section 8, respectfully submits the following report and the accompanying bill.

Consolidation of the Industrial Accident Board with the State Board of Labor and Industries.

Under the provisions of chapter 751 of the Acts of the year 1911, amended by chapters 172, 311, 571 and 666 of the Acts of the year 1912, the Industrial Accident Board was created in May, 1912, and on July 1, 1912, set the machinery in motion for the enforcement of this law.

Seven months after the beginning of the work, or from July 1, 1912, to Feb. 1, 1913, 51,020 accidents were reported to the Industrial Accident Board, and have been made the subject of detailed adjustment.

The Board has made a report of the workings of the act from July 1, 1912, to Feb. 1, 1913, and of the cost and other incidents of insurance for 25,803 employees, from which the character and importance of the work of the Industrial Accident Board may be observed.

The State Board of Labor and Industries was created by chapter 726 of the Acts of the year 1912. This law was enacted by the Legislature, not without some prolonged agitation, manifestly evidencing the fact that in the matter

of enactment and enforcement of laws relating to factories, employment of labor and in work pertaining to the police powers of the State there was found to be manifest a duplication of effort. This duplication operated to effect a practical failure in the administration of labor laws.

Chapter 726 of the Acts of the year 1912 was enacted to supply needed wants and to correct existing defects. It had been found that employers of labor were obliged to report to various bureaus. There seemed to be no direct authority existing, and, for that reason, no responsibility to be found, the practical results of which operated to defeat the enforcement of the labor laws.

The State Board of Labor and Industries, created by chapter 726 of the Acts of the year 1912, seems, upon examination of its provisions, to forecast a continuation and increase of the exact conditions which it was created to prevent. Where there is conflict of authority, as well as a duplication of expense and procedure, there is imminent danger of reduction in power, stability and efficiency.

The State Board of Labor and Industries is really an advisory board. It elects a commissioner of labor, whose salary is limited by law. Upon this commissioner devolves the administration of the powers and functions provided for by law, subject only to the approval of the Board of Labor and Industries.

The law which created the Industrial Accident Board provided that all accidents of an industrial nature arising in the commercial pursuits should be reported to the Industrial Accident Board, and to this Board was granted the power of supervision and control of indemnities and payments resulting from such accidents.

It was the mandate of the law in chapter 751, section 18, Part III. of the Acts of the year 1911, and as amended in chapters 172, 311, 571 and 666 of the Acts of the year 1912, that a record of all injuries sustained by employees should be made by every employer, and that within forty-eight hours after the occurrence thereof such injuries should be reported, in writing, to the Industrial Accident Board, and at the termination of any disability, if the disability extends beyond a period of sixty days, a report of such termination should also be made to the Board. The law provided a penalty for failure to comply with this provision.

Upon an examination of chapter 726 of the Acts of the year 1912, creating the State Board of Labor and Industries, it will be observed that copies of all reports of accidents are required to be filed with the State Board of Labor and Industries, and here too, as in the Industrial Accident Board, there is a penalty for failure to comply with the mandate of the law.

It is suggested at this point that there is here an unnecessary duplication of reports. With both Boards there is the duty of employers to file reports of accident occurring among employees. Under the law of each Board upon this point there is a penalty for non-compliance. A compliance with the requirements of the Industrial Accident Board in reality furnishes to the authorities the necessary information, and yet if the employer fails to send this identical information to the State Board of Labor and Industries he subjects himself to the penalty of a fine of not more than \$50. It seems manifestly clear at this point that the endeavor to cover existing conditions by detailed duplicating enactments operates as a burden upon those who are subjects of such legislation.

It has not been made manifest from the phraseology of the act which created the Massachusetts Industrial Accident Board how far such act covers occupational diseases, and this is true especially where there is no clearly defined injury leading to such diseases. It was undoubtedly the intention of the Massachusetts Legislature, when enacting the Workingmen's Compensation Law, to provide for all occupational diseases equally with damages resulting from injuries, since the loss to the wage earner would be as great in one case as in another.

It would appear clearly to be the power and function of the Industrial Accident Board to examine into, investigate and compensate for all occupational diseases, and to do all that is possible in the way of prevention. To subdivide this function, or to separate the powers which operate to bring about results, would eventually make to injure the great number of employers as well as the great mass of employees in the Commonwealth. To prevent, when such is possible, and to remedy by compensation where prevention is impossible, wage earners suffering from injury in any form has been and is the aim and policy of the Commonwealth. This appears manifestly evident in the nature of the work of the Industrial Accident Board.

When an examination is made of section 6, chapter 726 of the Acts of the year 1912, it would seem that the health inspection service, which is concerned with the health of the community, is, in a general way, to be left within the scope of the State Board of Health, and that the inspection and prevention of occupational diseases for minors, at least, is to be left within the scope of the Board of Labor and Industries.

Here, it is submitted, is to be found a positive case of duplication of functions, as well as conflict of authority. It is impossible for two boards having separate existences, working along similar lines, to operate without coming into conflict each with the other, and such conflict can produce no other result than annoyance to the manufacturer, employers and employed in the Commonwealth, and must of necessity reduce the efficiency of legislation in relation to industrial pursuits.

In order to prevent the occurrence of injuries, and in order to protect the welfare of employees in industrial pursuits, it is absolutely necessary for the purpose of the Industrial Accident Board that it have a corps of inspectors whose principal duty is to examine and supervise the maintenance of proper safety devices.

Section 18, Part IV. of the Workingmen's Compensation Act sets forth that in case the association desires the installation of safety devices, the Industrial Accident Board may review the findings of the association, and to these findings may give its approbation, or may annul any rule or regulation established in reference thereto. It would seem, as the law now stands, that the Industrial Accident Board has ultimate power and jurisdiction in regard to safety devices.

Under section 8 of the act creating the Board of Labor and Industries the power of appointment and removal of industrial health inspectors is given to the Board. The law clearly states that all matters of disease which affect the population in general are to be left in the control of the State Board of Health. The industrial inspectors to be appointed by the State Board of Labor and Industries are so appointed for the purpose of supervising occupational diseases only, as well as they are concerned with the prevention of conditions in factories which are creative of accidents or disease.

Here, again, we find the powers and functions of the State Board of Health and the Board of Labor and Industries overlapping. It is another case where there exists a conflict of authority, as well as a duplication of procedure and expense.

Provision has been made in the law creating the Industrial Accident Board for a reasonable number of inspectors for the purpose of carrying out the power given it by the law to approve safety devices to protect employees, and to effect compensation from insurance companies when due, as well as to investigate claims for injuries.

An examination of section 4 of the act creating the State Board of Labor and Industries discloses, as existing in this Board, an unlimited power to investigate conditions existing in any line of industry, carried on by inhabitants in any part of the Commonwealth, for the promotion and improvement of conditions industrial, as well as authority to receive information and complaints concerning violations of law, and to make all needful examinations and investigations as well as prosecutions. It is further provided that the Board employ experts and that it make rules.

Here, again, we find the powers and duties granted to and imposed upon the State Board of Labor and Industries trespassing upon the powers and duties now delegated to the Industrial Accident Board. If the power and authority be given to the State Board of Labor and Industries to examine and investigate all conditions in any line of industry, and to make rules, to employ experts and the like, the result can be none other than that of a conflict of authority.

The Industrial Accident Board, with one set of rules and one method of procedure, will constantly come into conflict with the State Board of Labor and Industries, having another set of rules, especially when the subject-matter of investigation for both Boards either overlaps or covers the same territory. As a result of this overlapping, this conflict of authority, or this duplication of procedure, the manufacturers are left in such confusion that they are unable to determine what method of procedure to pursue, what rules to regard and what regulations to ignore.

It is manifest, if labor legislation is to be at all efficient, that such legislation should be enforced by one central authority. Where there are two or more boards, the jurisdiction of any one of which might well be questioned, whose powers overlap, and whose functions apparently operate to nullify each other, it will always be possible to meet with excuses on the part of those violating the laws, and it would seem that such excuses do not, in fact, entirely proceed from bad faith or from a desire to violate the law, but rather from an ignorance of the proper authority, the methods to be pursued and the like.

Where one central authority is in existence, where the jurisdiction of that authority is not questioned, and where the cleavage of power between one board and another is clearly cut, it is manifestly obvious that no such thing as a valid excuse can exist on the part of those who violate the laws of such board or commission.

It has been said that under the law the State Board of Labor and Industries has authority to employ experts to aid in the performance of the duties imposed upon it. The State Board of Health, as well as the Industrial Accident Board, is likewise empowered.

The reports of these experts to their respective boards are introductions to regulations and rules later enacted by such boards. With the overlapping

of territory and the questioned jurisdiction of the boards the result can be but a conflict of authority and territory, and in reality a nullification of power itself.

There is now in existence an Industrial Accident Board of competent men, charged with the duty of examining industrial conditions from certain stand-points. Such Board should be charged with the entire and exclusive duty and responsibility of examining all labor conditions, problems and laws, and should be empowered to impose penalties for violations of the rules and regulations enacted by such Board.

As is contemplated in chapter 726 of the Acts of the year 1912, the State Board of Labor and Industries partakes of the nature of an advisory Board, the members of which are to be paid a nominal salary.

The administrative duties of such Board are to be placed in the hands of a labor commissioner, with individual responsibility only to this Board, whose members are not necessarily required to give all their time to its work.

The broadest possible powers are given to the State Board of Labor and Industries under section 5 of chapter 726 of the Acts of the year 1912, creating such Board. All the powers and duties in relation to the enforcement of laws which relate to labor and to the employment of labor are to be vested in such Board, and this in itself virtually tends to wipe out of existence the substantial authority of the Industrial Accident Board in its most important function; that is to say, in the prevention of industrial accidents.

The act which created the Industrial Accident Board does not address itself merely to the compensation for injuries received, but from its very title indicates that it is an act relative to the payment to employees for personal injuries received in the course of their employment, as well as to the prevention of such injuries.

The title itself, then, clearly evidences that the safeguarding of the physical well-being of the wage earners of the Commonwealth, by the installation of proper safety devices, is one of the most important duties of this Board, as well as the establishment of proper rules for the prevention of accidents industrial, and ultimately all occupational diseases, — another important function of this Board.

It would appear from the foregoing observation that the joint existence of these two Boards as separate entities would possess little or no advantage for the great mass of wage earners in the Commonwealth.

The purposes for which the two Boards were created are closely related; in fact, they are in some respects identical, and this being so the powers and functions of the two Boards, as well as the jurisdiction of territory, are all conflicting and necessarily will involve great and unnecessary expense in operation.

From practically the same source each Board calls for separate reports. This means multiplication and duplication of records. True it is, also, that where two boards are acting under the same sovereignty, with overlapping or identical territory, it is impossible to avoid a ceaseless conflict of authority between the two boards as such, and with those who are the subjects of legislation of such boards.

It will be impossible, therefore, to perform effective work for the protection and safety of the great mass of wage earners should these two Boards continue a separate and independent existence. It is suggested that there is also the question of delay, annoyance and expense to employers of Massachusetts to be considered.

A legislation which is accompanied from birth with ceaseless conflict, with duplication of functions and with little or no efficiency, is, without doubt, the proper subject of alteration, amendment and change.

This is the exact situation which existed in Wisconsin in 1912. A board was created in that State which was known as the Industrial Accident Board. Subsequently, to this same Industrial Accident Board were given larger powers likened to those given to the State Board of Labor and Industries in Massachusetts in chapter 726 of the Acts of the year 1912. The identity of the Industrial Accident Board in Wisconsin was preserved. Its scope of powers was enlarged. The authority remained the same. The scope of activity and efficiency was materially increased, and this was so because the larger powers were not placed under the head of a separate board or commission, which would, of necessity, have come into conflict with the original Industrial Accident Board. It would seem that Massachusetts might well follow the course pursued by the Wisconsin Legislature.

AN ACT TO TRANSFER THE POWERS OF THE STATE BOARD OF LABOR AND INDUSTRIES
TO THE INDUSTRIAL ACCIDENT BOARD, ETC.

Be it enacted, etc., as follows:

SECTION 1. The powers and duties provided by chapter seven hundred and twenty-six of the acts of the year nineteen hundred and twelve, to be conferred and imposed upon a state board of labor and industries, are hereby transferred to the industrial accident board, established by chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven, as amended by chapters one hundred and seventy-two, three hundred and eleven, five hundred and seventy-one and six hundred and sixty-six of the acts of the year nineteen hundred and twelve. The name and title of said last-named board, whose terms of office and salaries shall remain as provided in chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven, as amended by chapters one hundred and seventy-two, three hundred and eleven, five hundred and seventy-one and six hundred and sixty-six of the acts of the year nineteen hundred and twelve, are hereby changed to the Massachusetts labor and industrial board.

So much of the provisions of sections one, two and three of said chapter seven hundred and twenty-six of the acts of the year nineteen hundred and twelve, as conflict with section one of this act, are hereby repealed.

SECTION 2. The first sentence of section seven, of said chapter seven hundred and twenty-six, is hereby amended by inserting after the word "labor", in line two, the words: — one of whom shall be a woman, — so that said sentence as amended shall read: — The board may appoint not more than two deputy commissioners, one of whom shall be a woman, who shall be under the direction of, and responsible to, the commissioner.

SECTION 3. This act shall take effect on the first day of June, nineteen hundred and thirteen, except that so much of the act as provides for the appointment of the commissioner, deputy commissioners, and necessary clerical assistance, and for the repeal of the requirement for appointing members of the board of labor and industries, so-called, and the change of the name and title of the industrial accident board, shall take effect on the first day of March, nineteen hundred and thirteen.

FISHERIES AND GAME.

Proposed legislation changing the Commissioners on Fisheries and Game from a Board of three members to a single commissioner, and advocating a changed policy for the administration

of this department of public service, was given careful consideration by the Commission on Economy and Efficiency. Their findings with relation to this matter were set forth in the following communication to the General Court, under date of Jan. 29, 1913: —

The Commission on Economy and Efficiency, in accordance with chapter 719 of the Acts of the year 1912, respectfully submits the following report concerning the Commissioners on Fisheries and Game, with suggestions for legislation as shown in the bill appended hereto.

We recommend the appropriation of \$112,610 for the expenses of the Commissioners on Fisheries and Game, to be expended from Dec. 1, 1912, to Nov. 30, 1913, according to the following estimate: —

| | |
|---|-----------|
| Commissioners' compensation, | \$6,130 |
| Printing, including annual report, telegraph, telephone, traveling, office and other necessary expenses (chapter 438, Acts of 1902), | 4,175 |
| Clerical services, | 4,140 |
| Three new game wardens, | 3,000 |
| Enforcement of laws, propagation and distribution of fish, mammals, birds and shellfish, | 72,365 |
| Stocking ponds (section 19, chapter 91, Revised Laws), | 500 |
| Stocking brooks (section 5, chapter 91, Revised Laws), | 100 |
| Protection of lobsters (chapter 408, Acts of 1904), | 2,500 |
| Establishment of fish hatchery (chapter 6, Resolves of 1912), | 8,000 |
| Establishment of State bird and game preserves (chapter 271, Acts of 1911), | 7,500 |
| Protection of wild birds and quadrupeds (chapter 410, Acts of 1911), | 4,200 |
| Increasing quantity of food fish (chapter 140, Resolves of 1912), | |
| Total, | \$112,610 |

We believe that a single Commissioner on Fisheries and Game for the Commonwealth would be much more efficient and render better service than the three commissioners as now constituted, for the following and other reasons: —

1. The present commissioners are co-ordinate in authority and choose their chairman.

2. There is inevitably a wide difference of opinion as to what matters should be decided by the full Board and what should be decided by the chairman, or by a commissioner acting alone, resulting in (a) unnecessary delay to the public, and (b) liability of the remaining members being slighted.

3. The necessity of referring matters to the full Board often causes tardiness in closing business transactions.

4. Persons insist oftentimes that the adverse decision of a member be referred to the full Board, thus causing delay.

5. There is practical difficulty in agreeably assigning and arranging work for the different members and the office force, which is now overworked. We find also that the commissioners' time is not fully and profitably occupied with the work related to that department. A deputy could very often and very properly care for certain phases of outside work which now occupies the time of the full Board.

6. Division of responsibility causes lack of responsibility to the public.

7. With three commissioners having co-ordinate powers there arises at times a degree of rivalry between the different sections of the State, and between different kinds of persons, as to their respective representation on the Board, and their relative participation in the benefits to be derived from the activities of the Board itself.

8. It is essential, in order to achieve the best results, that the chairman, who must necessarily shoulder the real responsibility, should select his co-workers and subordinates.

9. Inasmuch as many trivial matters must be examined or studied two or three times in order to secure action by the full Board, the insurance thus furnished for correct decision is too often not worth the valuable time wasted.

10. A single commissioner, with trained and competent secretary or deputies, we believe would give more efficient service in this department of the State's service, and would create economies in administration and greater ease and directness in securing results.

11. Inasmuch as many important matters are necessarily decided after consultation with or advice from the Governor and Council, the Attorney-General, the Auditor or the Treasurer, competent advice is always within ready access.

The increasing special knowledge required by modern conservation, and the wise administration and care of the State's natural assets of the fisheries, birds and quadrupeds, mollusks, etc., is now on every hand apparent.

We deplore the present tendency of too facile changes in the laws relative to birds.

The only proper basis for the protection of game birds, wild fowl and, indeed, all animals is an economic one, and must be based upon carefully constructed and properly enforced laws for the conservation of all species for the benefit of future generations of our citizens, rather than based on local opinion.

In this connection we find that the State is greatly in need of more game wardens, especially in the Cape district, to aid in the enforcement of the laws for the protection of fish and game; and we therefore recommend, as indicated above, a sum of not less than \$3,000 for the employment of three new game wardens.

This expenditure for the protection of fish and game is clearly a wise economy, tending to prevent the annihilation of birds and other animals valuable to mankind which might otherwise become extinct.

It may be said that Massachusetts and her sister States have suffered irreparable loss by carelessly allowing, for generations past, indiscriminate waste of animal life.

Each species should be properly utilized and increased and not destroyed, and, under proper conditions, the work of this department can be made of incalculable benefit to the coming generations of the people of the Commonwealth, and yield adequate returns for the public moneys expended from the Treasury.

In view of the foregoing statements, and in view of special fitness, we respectfully recommend the retention of Dr. George W. Field (now chairman), and that he be paid a salary of \$5,000 per annum, to become a single Commissioner of Fisheries and Game for the Commonwealth, and in this regard we submit the following:—

Conditions in the Commonwealth concerning Food and Bait Mollusks, Oysters, Clams, Quahaugs, Scallops, Winkles, etc.

We believe the present laws relative to food and bait mollusks, oysters, clams, quahaugs, scallops, winkles and others are unwise and inefficient, and do not create necessary economies or conserve the welfare of the public now or in the future, for the following reasons: —

1. Rights of fishing and cultivating may now be leased from the selectmen of a town, who, by regulation or otherwise, limit this right to citizens of their own town, thus excluding worthy citizens from other sections of the State.

2. The money derived from such leasing goes, not to the State for the public benefit, or even to the town, but by law to the "selectmen for their own use." (Section 105, chapter 91, R. L.)

3. This leads to (a) uncertainty among the leaseholders, because the selectmen are elective and subject to frequent changes, thus resulting in a town policy which is unstable, and (b) fails to protect the leaseholders. The best utilization of acres requires practical, scientific information and training. Only in a few cases are the selectmen suitably qualified. These and many other conditions fail to encourage a proper utilization of the extensive areas suitable for producing valuable food and for the employment of labor. Further, this indiscriminate digging which exists under town control causes enormous and unnecessary destruction of food mollusks, particularly clams below marketable size. Unwise town regulations and local jealousies prevent the distribution of small clams and quahaugs from town to town for planting. Almost the sole result of thirty years' experience with present conditions, management and laws has been a large number of unwise and uneconomic restrictions, such as, for example, size limits, close seasons, restrictions upon methods of fishing or upon the quantity taken per day, all of which operate to check legitimate market demands without increasing the supply for human food.

The Body of Liberties asserts that the right of fishing shall be free to every inhabitant of the Commonwealth. This must be interpreted to mean an opportunity of securing a right to fish. The present laws, passed in 1880 and later, withdraw this opportunity from citizens other than those of the shore towns. Nine-tenths of our area adapted for producing food mollusks is, under the present system, imperfectly utilized, and yields less than \$30 an acre, instead of a normal yield of from \$200 to \$600 worth of human food per acre.

This economic loss affects: (1) The general public, who are forced to buy meat in place of the normally less expensive shellfish. (2) The fishermen who are now compelled to work hard to secure meager returns, since they have to travel and to dig over wide areas at low tide. If each fisherman could have a clam garden protected by State laws he could be certain of filling his orders and of securing a living daily wage for his labor, since he could harvest his crop of clams as certainly as now the farmer handles his strawberry crop. The handicap placed upon the fisherman is danger that some other person may anticipate him in the harvest, — a condition from which the fisherman has no recourse in law. (3) The shore towns keep off the tax list the most valuable farming land, to wit, the clam flats in the town. On account of the uncertainty of tenure under present conditions these fish-

eries have not been developed. (4) Private leases would permit shellfish guaranteed free from pollution to be sold under special copyrighted brands, just as fruit, milk and other products are marketed. (5) The fisheries are peculiarly and fortunately adapted for improvement over natural conditions. It would be extremely unwise if this State continued to prevent man from applying knowledge to improve his condition. The development of the fisheries is peculiarly adapted for those persons who can command no capital. These areas can be farmed with such labor as is merely required to secure and plant seed. When all the clam flats are utilized, even this will be eliminated for the reason that one productive clam grant will furnish seed enough to supply not alone the owners, but all his neighbors, free of labor or expense. It follows, therefore, that many who now work in factories would have opportunity in their leisure hours to cultivate at least a half acre of clam garden which would yield returns far in advance of any similar area on land. The present laws are so obscure and conflicting, the personnel of the boards of selectmen so changeable, that few people have dared to invest their labor or capital in the work. The conditions of producing human food by agricultural methods are so closely parallel as to be well-nigh identical with those of aquiculture, or the production of food in the water. No farmer would improve land upon which his tenure was uncertain. The same measure of certainty which enables the farmer to cultivate his land with profit should be extended to the fisherman for the production of food in the water. The shellfisheries are a natural asset of the State of Massachusetts.

They must not be destroyed, but must be exploited intelligently for the benefit of every citizen of the State. If the towns are to acquire exclusive control of the fisheries, the State should receive a very considerable sum in return for the relinquishment of these rights. Massachusetts is practically the only State which has relinquished these rights without compensation to the other citizens of the Commonwealth. The State of Rhode Island received last year upwards of \$130,000 for the general treasury, and other States are receiving even larger amounts.

The chief objections urged against State control are the dangers of monopoly with the attendant exclusion of worthy persons. This claim raises no new points, but is the same objection which was urged against the development of the oyster fisheries by private persons. Necessity and the wisdom of similar legislation in the past relative to the oyster fishery is shown from the fact that the natural supply of oysters was long ago almost completely annihilated, and practically our entire supply now is the result of the activities of cultivation by private individuals.

The chief arguments in favor of this measure are: —

1. Increased opportunity for *employment of labor*. At present about 2,700 persons in Massachusetts get the whole or important part of their income from the mollusk fisheries. Such people should be assured of an adequate area in shallow water near the shore, the cultivation of which should give a far greater return for the time expended.

2. An increased yield per acre and greater value through sanitary handling, guaranteeing freedom from danger of typhoid and other diseases.

3. An increased and more certain market supply of food and bait mollusks.

4. A just and proper distribution of this State asset, viz., those who are directly benefited would pay into the State treasury for the benefit of every other citizen of the State a small annual tax per acre.

5. Those taking leases would be guaranteed in their tenancy and in the protection of their property by the State rather than by the selectmen.

6. Distribution, direction, control and general management would be intrusted to disinterested, judicially minded and trained men, answerable through the Governor and Council to the entire people rather than to the selectmen, who, though honorable and honest, frequently have not had the special training required to meet special conditions which are constantly arising, — a body of men elected by relatively few people and subject to petty impositions for political purposes.

7. Better service to leaseholders through a State survey, thus more definitely locating boundaries and other essential features, such as quantities of food in the water, thus giving important data as to planting, etc.

8. The deeper waters in our bays should be utilized. Large capital and equipment is necessary for their development. The areas are now idle because no one dares to invest capital under the conditions of uncertainty which now exists.

9. It promises to increase production, and, while protecting the poor man against monopolistic tendencies, yet opens for development extensive areas off shore suited for exploitation on a large scale by combinations of capital. There are at least 110,000 acres available for cultivation of mollusks, approximately 21,000 suitable for clams, 31,000 for scallops and 89,000 for oysters and quahaugs.

AN ACT RELATIVE TO THE CULTIVATION OF FOOD AND BAIT MOLLUSKS.

SECTION 1. The commissioners on fisheries and game are hereby authorized to conduct an accurate survey of all mollusk territory below mean high water mark and to lease such territory for the cultivation of food and bait mollusks as hereinafter provided. Said commissioners may appoint such deputies as they shall deem necessary for making the said survey and for the detection and prosecution of any violation of the laws of the commonwealth relating to the mollusk fisheries and may make all necessary regulations for the enforcement of these laws.

SECTION 2. The commissioners on fisheries and game may, by writing under their hands, grant a license, for a term not exceeding twenty years, to any inhabitant of the commonwealth to plant, grow and dig mollusks at all times of the year or to plant shells for the purpose of catching mollusk seed, upon and in any territory, as hereinafter specified and described, below mean high water mark, upon such terms and conditions as they may deem proper, not, however, materially obstructing navigable waters.

SECTION 3. All territory for which a license has been granted as aforesaid shall be designated by suitable bounds, consisting of both stakes and buoys, one each at each of the several corners of every grant, so that its precise situation may be evident at high and low tide, and these bounds shall be maintained by the licensee under penalty of forfeiture of the license within seven days after his failure to maintain the proper stakes and buoys. The commissioners on fisheries and game shall keep at their office a record of each license, describing by metes and bounds the waters, flats and creeks so appropriated, with a map of its location, and these records shall be open at any time to public inspection.

SECTION 4. Every licensee shall be required to submit to the commissioners on fisheries and game, or to a duly authorized inspector or inspectors, appointed by them, an annual report of the total number of bushels of mollusks produced upon the territory covered by his license, together with the value received for the same, and an estimate of the total number of bushels of specified mollusks pro-

duced upon the territory covered by his license, together with the value received for the same, and an estimate of the total number of bushels of specified mollusks at that time growing upon the said territory. This statement shall be duly sworn to before a justice of the peace, and if the total sum shall fall below fifty bushels per acre, or if an inspector appointed by the commissioners on fisheries and game after due examination shall find that the sum has fallen below fifty bushels per acre for two consecutive years, unless such condition has been brought about by natural causes, then the license shall be declared forfeited and the grant revert to the commonwealth.

SECTION 5. The available territory for the growth and planting of mollusks shall be divided into two classes: the shallow waters near shore, including the flats, creeks, inlets and bays, which shall be allotted to the smaller planters; and the deep or more exposed waters, which shall be leased to individual planters, partnerships or corporations, who shall give suitable guarantee of sufficient capital to develop the same. Not more than one-half of the whole territory of the first class in any town shall be granted and the remaining half, unless voted to the contrary by the voters of that town in regular town meeting, shall be retained as a public fishery. Due regard for the public fisheries shall be given by the commissioners on fisheries and game in granting these licenses.

SECTION 6. Any citizen of a coast town shall have the first right to any license for the territory within the boundaries of that township over any other inhabitant of the commonwealth who is not a citizen of that town, and at all times and under all conditions the commissioners shall give due consideration to secure to every worthy citizen a just opportunity to participate in and to benefit from these fishing privileges. Any citizen of the commonwealth may have the right to receive a license under this act in any coast town where suitable territory remains after the citizens of the town have obtained the licenses for which they have petitioned. Preference in the allotment of new licenses shall be given to the holders of oyster, clam and quahaug grants as held under the present laws. After the system shall have been established, every grant shall be leased according to priority of petition for the same. Any vacant territory shall be regularly advertised by the commissioners on fisheries and game, and residents of a town may at any time file an application with the commissioners, stating their ability and what they desire in mollusk territory, which shall be allotted to them whenever there is vacant ground. These licenses shall only be granted to and held by citizens of Massachusetts, firms composed of Massachusetts citizens, and Massachusetts corporations domiciled within this commonwealth.

SECTION 7. Any citizen, firm or corporation, qualified as aforesaid, desiring to obtain a license as provided above, shall present to the commissioners on fisheries and game a written application, setting forth the name and address of the applicant, a reasonably definite description of the desired territory, and shall petition that the application be registered, that the territory be surveyed, that a plan or map be made, and that a license be granted to the applicant under the provisions of this act.

SECTION 8. All licenses shall be for the use and profit of the licensee alone and shall be absolutely non-transferable by sale, sub-lease, transfer or private contract of any nature whatever, and if any licensee attempts such procedure the license shall thereupon be forfeited. It shall nevertheless be lawful for any licensee to hire labor or assistance for the working of his grant, provided that such labor shall in no wise impair his title or ownership of the grant or cause it to pass from his control. Two years after the death of a licensee the grant shall revert to the commonwealth, unless the widow or children or legal heirs of the licensee continue to plant and grow mollusks. In such cases due allowance shall be made for all improvements. Three years before the expiration of a license the licensee shall be informed whether or not he is entitled to a renewal. At the expiration of a license the previous owner shall be given the preference of renewal.

SECTION 9. Any person holding a license under the provisions of this act shall pay an annual fee of not less than one and not more than ten dollars per acre, the exact amount to be ascertained and fixed annually according to a just and equitable valuation by the commissioners on fisheries and game or by their duly appointed agents, under penalty of forfeiture of the license if the rental is not paid within six months after it becomes due. The money received from the annual fees shall be expended as far as necessary for the protection and surveying of the grants, and the remainder shall be paid into the state treasury. The oysters sold from any grant and the equipment connected therewith shall be subject to taxation by the towns in the same way as other taxable property.

SECTION 10. The said commissioners shall give notice of every application for a license by publication twice a week for three successive weeks in some daily newspaper published in the city of Boston and also once a week for three successive weeks in one or more newspapers published in the county in which the land applied for is located, describing the territory and giving the name and residence of the applicant and the day, hour and place at which the commissioners will give a public hearing on the application, the last publication to be at least one day before said hearing. The license shall not be granted until after a public hearing as aforesaid in the city or town where the land is situated, due notice of which shall be posted in three or more public places in that city or town at least seven days before the time of said hearing. The commissioners may adjourn the hearing from time to time, and may issue process to compel the attendance of witnesses for either party, and shall give notice to all parties who have appeared before them upon any application of the time and place when their decision will be given, and such decision shall be final, unless appellate proceedings are taken and prosecuted as hereinafter provided. Upon petition of any person aggrieved by the decision of the commissioners upon any application for a license filed within one week therefrom, the superior court, sitting in equity, may, after such notice as it may deem sufficient, hear all interested parties and annul, alter or affirm the decision.

SECTION 11. The commissioners on fisheries and game may grant a permit in writing to any person to take mollusks from the natural beds or from areas designated as unleased at such times, in such quantities, and for such uses as they shall express in their permit; but every inhabitant of a city or town, may, without such permit, take mollusks from the public beds therein for the use of his family, not exceeding in any week two bushels, including shells, or any fisherman who is a naturalized citizen of this commonwealth, may take from such public beds mollusks needed for bait not exceeding at any one time seven bushels, including the shells.

SECTION 12. Any person to whom is issued a license by the commissioners on fisheries and game shall have the number of this license painted in letters at least two inches high in a conspicuous place on his boats and buoys.

SECTION 13. No person shall dig, take or carry away any mollusks or shells between one hour after sunset and one hour before sunrise, by any method whatever, from any waters, flats or creeks.

SECTION 14. Any person who shall wrongfully make claims to any public mollusk ground, of which he has no lease or title from the state, by erecting bounds or monuments thereon of any description, or otherwise claiming the title to such land, shall for the first offence pay a fine of not less than fifty dollars and not more than one hundred dollars, and for every subsequent offence pay a fine of not less than one hundred dollars and not more than two hundred dollars.

SECTION 15. Any person who shall wilfully injure, deface, destroy or remove such marks or bounds as may define any lease or grant or place any mark thereon, or shall tie or fasten any boat or vessel to such stake or buoy, shall be fined twenty dollars for such offence. Every person in addition thereto shall be liable on an action of the case to pay double damages and costs to the person who shall be injured by harming the marks and bounds, stakes or buoys of the said grants injured, removed or destroyed as aforesaid.

SECTION 16. Whoever works a dredge, oyster tongs or rakes, or any other implement for the taking of mollusks upon any territory officially designated as licensed or in any way disturbs the growth of the planted mollusks without the consent of the licensee during the continuance of such license, or discharges any substance which may directly or indirectly injure the planted mollusks, shall for the first offence be punished by a fine of not less than fifty dollars and not more than one hundred dollars, or by imprisonment for not more than thirty days, and for each subsequent offence by a fine of not less than one hundred dollars and not more than two hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.

SECTION 17. Any person who shall wilfully break up, damage, or injure any bed of mollusks, or any tract of land leased from the commonwealth for a mollusk bed, by depositing thereon earth, stones or dredgings or scoopings shall be punished by a fine not exceeding five hundred dollars and shall forfeit his boat or vessel with her tackle, apparel, and furniture, and all the implements used by him in injuring such mollusk bed.

SECTION 18. Any police constable in view of the commission of any offence against the provisions of this chapter shall arrest the offender without warrant and detain him for prosecution for a period not exceeding twenty-four hours.

SECTION 19. A licensee who violates any provisions of this chapter relative to the planting and growing of mollusks or the planting of shells shall, in addition to the penalties as provided, forfeit his license.

SECTION 20. For the purity of all Massachusetts mollusks, no territory in polluted waters shall be granted for the growing of mollusks for market. The commissioners on fisheries and game shall from time to time make such examinations as may be necessary to ascertain the sanitary conditions of the waters over and adjacent to the mollusk producing areas and may give written certificates of the sanitary condition. No mollusks shall be taken from areas which are found upon examination to be polluted beyond such standards as may from time to time be determined by the said commissioners, except that the said commissioners may make special rules and regulations for the legitimate use of mollusks from such polluted areas in such a manner as to safeguard the public health.

SECTION 21. This act shall not be effective in any town until adopted by a majority vote of the town at an annual or special town meeting.

SECTION 22. All acts and parts of acts inconsistent herewith are hereby repealed.

References to a Few Court Decisions bearing upon the Question of Leasing the Fishing Rights on the Shore.

In the absence of statutory restriction any inhabitant may take shellfish in the waters of the State below high-water mark, and in so doing may dig up the grass or sedge if necessary. (*Allen v. Allen*, 19 R. I. 114.)

The foregoing authorities abundantly prove the general proposition that the right of fishing on the soil of another, when overflowed with the tide from the sea or arm of the sea, is a common right. The only doubt that can arise in cases of this kind is whether there is a common right of fishing for shellfish after the reflux of the tide.

Here the court most expressly recognizes the doctrine that it is a right common to every subject to enter upon the lands of the plaintiff, betwixt high and low water mark, and to take from thence shellfish by digging up the soil. (*Peck v. Lockwood*, 5 Day, 28.)

The right of taking shellfish on the land of an individual between high and low water mark is a right common to all, and not exclusive in the owner of the land. (*Peck v. Lockwood*, 5 Day, 22.)

The right of fishery in the ocean, in arms of the sea and in navigable rivers below high-water mark is common to all, and the State only can grant an exclusive right. (*Chalker v. Dickinson*, 1 Conn. 383; *Stannard v. Hubbard*, 34 Id. 375.)

The grant of Charles I. to Sir Ferdinando Gorges of the province of Maine reserved to "all subjects of our kingdom of England liberty of fishing, as well in the sea as in the creeks of said province."

Held, since the term "fisheries" includes shellfisheries, the reservation in the grant of the common right of fishing included the taking of clams. (*Moulton v. Libby*, 37 Me. 472.)

All the inhabitants of the Commonwealth have the right to take shellfish from flats lying between high and low water mark and within 100 rods of the upland, unless the owner of the flats has a grant of such fishery from the Legislature, or such occupation as to raise a presumption of such a grant, or actual possession of the flats by building on or inclosing them, so as to exclude the access of boats and vessels. (*Lakeman v. Burnham*, 73 Mass. 437.)

The right of the public to take shellfish from flats between high and low water mark, and within 100 rods of the upland, does not carry with it any right to take the soil, or dead shellfish imbedded therein, except as necessarily adhering to the living shellfish taken. (*Porter v. Shehan*, 73 Mass. 435.)

The right of taking clams from the flats under tide waters in any town is not impaired by a grant of the flats from the Legislature to the town or from the town to individuals, nor by St. 1841, c. 64, for the protection of the shellfishery in Ipswich. It is a public right, unless restricted by acts of the Legislature or the town or by prescription. (*Proctor v. Wells*, 103 Mass. 216.)

It is a right common to all the citizens of New Jersey to take shellfish from natural beds in the tide waters of that State, and may be enjoyed by them at will, except so far as it is restrained by positive law or by grants from the State to individuals. (*Paul v. Hazelton*, 37 N. J. Law (8 Vroom), 106.)

Where a portion of the public waters are leased for a private oyster fishery, no one, unless authorized by the owner, has a right thereon for the purpose of taking quahaugs. (*State v. Sutton*, 2 R. I. 434.)

Though every town has the power to make by-laws to regulate the fishery of clams and oysters within its limits, yet a by-law of a town prohibiting all persons, except its own inhabitants, from taking shellfish in a navigable river, within the limits of such town, is void as being in contravention of a common right. (*Hayden v. Noyes*, 5 Conn. 391.)

The rule that the right of fishery is subordinate to that of navigation does not extend to acts of wantonness in navigation; thus, where a vessel ran into a net laid in a private fishery and damaged it. *Held*, that the captain was liable, if upon being warned he could have changed his course without prejudice to the reasonable prosecution of this voyage. (*Cob v. Bennett*, 75 Pa. St. (25 P. F. Smith) 326.)

FORESTRY AND MOTH SUPPRESSION.

The commission reported to the General Court on matters affecting the work of the forestry department, and the suppression of gypsy and brown-tail moths, in the following communication submitted under date of Jan. 21, 1913: —

The Commission on Economy and Efficiency, in accordance with chapter 719 of the Acts of the year 1912, hereby respectfully submits the result of an examination of the State Forester's expenses for the past year and requests for appropriations for the year ending Nov. 30, 1913. This includes an examination of the proposed expenditures embodied in special bills now before the Legislature, not submitted to the Auditor of the Commonwealth, and therefore not appearing in his report to this commission. We recommend the following:—

| | |
|---|---------|
| Salaries, | \$5,000 |
| For general expenses, \$16,000; nursery work, \$4,000 (an increase over last year of \$4,000, to be spent in nursery work), | 20,000 |
| For purchasing forest lands (same as last year), | 10,000 |
| For protection against forest fires (an increase of \$5,000 as outlined below), | 5,000 |
| For prevention of forest fires, \$10,000 (same as last year) plus \$10,000 miscellaneous (same as last year), | 20,000 |

The last item of \$20,000 may be divided into \$10,000 for the prevention of forest fires, and \$10,000 styled in the Auditor's report last year as "miscellaneous expenses."

Suppression of Gypsy and Brown-tail Moths, \$245,000.

We recommend the item of \$125,000, which, added to the approximate sum of \$45,000, balance left from the year 1912 for gypsy and brown-tail moth suppression, plus the appropriation of \$75,000 made in 1912 for the year 1913, makes a grand total appropriation of \$245,000 for the gypsy and brown-tail moth suppression, to be expended by the State Forester for the year beginning Dec. 1, 1912, and ending Dec. 1, 1913. We believe this sum of \$245,000 is necessary and sufficient, and recommend it.

House Bill No. 166.

We respectfully urge the passage of House Bill No. 166, but so worded that the \$75,000 therein mentioned shall apply for the use of the State Forester during the fiscal year beginning Dec. 1, 1913, and ending Nov. 30, 1914.

House Bill No. 160.

We respectfully beg to call to the attention of your honorable bodies that House Bill No. 160 proposes to amend the present law so that the annual appropriation of \$10,000 now spent for reforestation would be increased by \$40,000 up to \$50,000. We note that your honorable committee on agriculture has recommended an increase of only \$10,000 instead of \$40,000, advising a total expenditure of \$20,000 for this purpose.

We do not advise any increase for this work at this time, and respectfully submit that, in view of the tremendous undertakings to which the State is already obligated by previous legislation, there is a great necessity for retrenchment.

House Bill No. 159.

This bill requests \$10,000 to be paid to towns in the Commonwealth as one-half remuneration for putting out forest fires. Until all of the towns in the Commonwealth have availed themselves of the present law to equip

themselves with apparatus for putting out forest fires, and receive a reimbursement of one-half of the cost of such apparatus from the State, we do not believe that this request for \$10,000 embodied in House Bill No. 159 should be granted.

There are 172 towns in the Commonwealth with a valuation of \$1,500,000 or less which come under the provisions of this reimbursement law, 79 of these towns having already been reimbursed for forest-fire equipment. The following towns will shortly be reimbursed by the State one-half the cost of equipment purchased in the year 1912, but up to the present time these towns have not forwarded their itemized bills to the Forester's department: Ashfield, Cheshire, East Longmeadow, Goshen, Granville, Mendon, Norfolk, Paxton, Russell, Salisbury, Warwick and Westhampton. These towns should report at once.

We are informed by the State Forester that the following towns have sufficient equipment for handling their forest fires, such equipment being purchased before the reimbursement law was enacted: Ashburnham, Conway, Cummington, Dana, Dunstable, Hardwick, Hubbardston, Lakeville, Medway, Millis, New Salem, Plympton, Rochester, Seekonk, Sunderland, Topsfield, Townsend, West Boylston, West Brookfield and West Stockbridge.

There are also 30 towns which have a meager fire equipment, which may or may not be considered sufficient. There are 7 towns which have not heeded the request of the State Forester to make report, leaving 24 out of the 172 towns coming under the provisions of the act that have practically no equipment whatever for handling forest fires.

The present appropriation of \$5,000 for the reimbursement of these towns clearly is ample; but until all towns have thus equipped themselves we cannot advise that a premium be placed on forest fires in towns, such premium to be paid one-half by the State; and we believe there is adequate law to stimulate the citizens of each town to extinguish forest fires and be reimbursed by each town at present.

We also find that last year the loss from forest fires was about \$80,000, which is about one-third the annual loss of several previous years, due to the excellent system of the State Forester now being perfected, — establishing look-out towers in well-located zones throughout the Commonwealth. Therefore, until such time as all towns are equipped with fire-fighting apparatus, and until the present plans of the Forestry department are fulfilled, we see no reason why the State should start on a new policy of reimbursing one-half the cost of labor for extinguishing local fires, especially as each town may now pay their citizens in full.

We believe that the State of Massachusetts is far ahead of other States in its present methods and system of extinguishing forest fires. If, however, each town would take more care and greater pride in assisting the various fire wardens, the forest fires in the Commonwealth would in a few years be reduced to a very nominal number, and a comparatively slight monetary loss would ensue.

We append hereto chapter 398 of the Acts of the year 1910, which provides assistance for towns under a certain valuation in purchasing equipment for the prevention of forest fires.

ACTS OF 1910, CHAPTER 398.

AN ACT RELATIVE TO PROTECTION AGAINST FOREST FIRES.

Be it enacted, etc., as follows:

SECTION 1. Every town in the commonwealth with a valuation of one million five hundred thousand dollars or less which appropriates and expends money, with the approval of the state forester, for apparatus to be used in preventing or extinguishing forest fires or for making protective belts or zones as a defence against forest fires, shall be entitled, upon the recommendation of the state forester, approved by the governor, to receive from the treasury of the commonwealth a sum equal to one half of the said expenditure, but no town shall receive more than two hundred and fifty dollars.

SECTION 2. A sum not exceeding five thousand dollars in any one year may be expended in carrying out the provisions of this act.

SECTION 3. This act shall take effect upon its passage. [Approved April 13, 1910.]

CLAIM OF STATE HEALTH INSPECTOR FOR COMPENSATION.

Under date of April 21, 1913, the commission submitted to the House chairman of the committee on ways and means the following communication relative to compensation claimed by Dr. J. William Voss for services as State inspector of health:—

DEAR SIR:— Under date of April 4, 1913, the Commission on Economy and Efficiency received a communication from Clerk William D. Hawley of the House Committee on Ways and Means containing a request of the chairman of that committee for an investigation and report by this commission of House Bill No. 1714, which is a resolve in favor of J. William Voss, M.D.; likewise a request from the same source for an examination of the advisability of changing the existing laws governing the appointment of health inspectors.

Attached to the above communication, and made a part thereof, was a copy of House Bill No. 1714, also a copy of a communication under date of April 3, 1913, written by the Attorney-General to Clerk Hawley of the House Committee on Ways and Means, advising such committee relative to the abolition of health districts and the status of J. William Voss, M.D., as affected thereby. Such documents are herewith transcribed in their order, as follows:—

House Bill No. 1714.

Resolved, That there be allowed and paid out of the treasury of the commonwealth to J. William Voss, of Beverly, the sum of nine hundred seventy-four dollars and forty cents, in full consideration for expenses incurred and services rendered by him as state inspector of health, from the first day of August, nineteen hundred and twelve, to the ninth day of January, nineteen hundred and thirteen, for which he has not been paid; eight hundred eight-two dollars and sixty-two cents is for salary, and ninety-one dollars and seventy-eight cents is for expenses, as per account rendered to the state board of health.

Letter of Attorney-General.

APRIL 3, 1913.

WILLIAM D. HAWLEY, Esq., Clerk, Committee on Ways and Means.

DEAR SIR:— Replying to your inquiry of March 31 concerning resolve, House Bill No. 1714, to reimburse J. William Voss, formerly State Health Inspector, for expenses and services, I have to say that certain questions concerning this matter

were referred to me by the State Board of Health under date of Sept. 16, 1912. On Oct. 10, 1912, I rendered an opinion to the secretary of the State Board of Health, a copy of which I herewith enclose, declaring the legal situation of the action of the State Board of Health with reference to abolishing the districts and the appointment and standing of inspectors as the situation then was. Under date of Oct. 24, 1912, I received a request from said J. William Voss for an opinion concerning the facts in his case, a portion of which, setting forth the situation as he then claimed it was, is as follows: —

Acting on the suggestion of the secretary of the State Board of Health, I am submitting directly to your office, with a request for an opinion, the following statement of facts together with some questions: —

It is alleged that on July 11, 1912, the State Board of Health redistricted the State into 12 health districts instead of 14, as it had been previously. Since that time the inspector in this district, not having received any official notice as to this alleged action of the Board, continued to do the work in this district submitting, as usual, the time sheets of work performed and expense accounts. The State institutions and health departments in the various municipalities, the industrial and mercantile establishments, the public in general in accordance with the provisions of chapter 537, Acts of 1907, and Revised Laws, chapter 75, section 52, and those concerns that give out work to tenement and dwelling-house workshops, which require to be licensed, in accordance with Revised Laws, chapter 106, continue to do business with the inspector in the district, as no other provisions were made by the State Board of Health, and no notice of any changes were given. The inspector in the meantime maintained an office and telephone with the usual equipment for the work. All the publications and literature of the Board giving no notice of any changes (see May number, Monthly Bulletin, State Board of Health) were sent through the mail in the latter part of July. Two hearings were granted, one on the suggestion of the Governor and one on the petition of the Central Labor Union of Lynn, which the Board took under advisement, and no answer has yet been filed. Inquiries made at the executive offices elicited the information that the State Board of Health had withdrawn the names for reappointment.

Prior to Oct. 10, 1912, I went over the situation orally with the secretary of the State Board of Health, and he then agreed, as I recall it, that no official written notice of the changes had been given to said Voss, then acting as a State Inspector, or otherwise officially promulgated, and that it was a fact that the inspector was continuing his duties with reference to inspections of blindness, factory inspection and the smallpox epidemic in Lynn, and that written reports of the same had been sent in by him, accepted by the State Board of Health and made a part of their official files. I informed the secretary that in my opinion he should officially notify Dr. Voss that he was no longer a State Inspector and had no authority to perform the duties, and that he should notify the local authorities to that effect, and that the Board should refuse further to receive the benefits of Dr. Voss's services and decline to receive his statement of expenses. What the situation in fact has been since that time I do not know, but I am informed by the attorney for Dr. Voss, John H. Cogswell, Esq., of Lynn, that none of these things were done and that the situation remained as it was, and that Dr. Voss continued to perform the duties of health inspector and that the Board has continued to receive his reports.

I stated to the secretary of the Board that if Dr. Voss was permitted to perform the duties of a health inspector and the State received the benefit of them in the way in which they were then doing, I thought Dr. Voss would have a claim, at least a moral one, for reimbursement and recompense.

I do not think Dr. Voss is entitled legally to salary as a health inspector since the abolition of his office, but I am of the opinion that the Legislature is authorized, under the circumstances, to reimburse him for money spent on behalf of service rendered to the Commonwealth and compensation commensurate with the duties performed. I have no knowledge as to the correctness of the amount stated.

Yours respectfully,

JAMES M. SWIFT,
Attorney-General.

This commission finds that Dr. Voss was appointed an inspector of health under date of July 25, 1907, and his five-year term expired July 25, 1912. His first appointment was authorized under chapter 537 of the Acts of the year 1907. On July 12, 1912, the State Board of Health redistricted the State, and in so doing changed the number of districts from 14 to 12. This was done in accord with the provisions of section 1, chapter 523, of the Acts of 1910. The section referred to is herewith quoted as follows:—

SECTION 1. The state board of health shall, as soon as may be after the passage of this act, divide the commonwealth into not more than fifteen districts, to be known as health districts, and the board may from time to time modify the district line in such manner as it may deem necessary or proper for carrying out the purposes of this act.

In the change which was thus brought about two districts were abolished, and one of these was the district in which Health Inspector Voss had previously acted in his official capacity.

On July 21, 1912, Dr. Richardson, acting in the capacity of Secretary of the Board of Health, orally informed Dr. Voss that in the opinion of the secretary of that Board Dr. Voss was no longer an employee of the Commonwealth. This opinion of Dr. Richardson was concurred in by Dr. Hanson who was acting in the capacity of assistant secretary of the Board. Despite this information, Dr. Voss continued in his duties as health inspector in the district to which he had been originally assigned, sending in daily reports of the work performed, together with his expense accounts. The reports and expense accounts were received by the State Board of Health and the same were placed on file. In the meanwhile the health inspector assigned to what was considered the new district, and who was, by name, Dr. William Coon, performed work in such district, as did also Dr. Morse. This commission took up the matter with Dr. Richardson relative to the change of districts. In reply to information solicited relative to the matter of a written official notification to Dr. Voss as to the change in the districts, we quote a letter from Dr. Richardson. Within this reply are incorporated several communications which are designated as follows:—

(a) Under date of July 27, 1912, letter of Governor Foss to Dr. Mark W. Richardson.

(b) Under date of Oct. 10, 1912, letter of James M. Swift, Attorney-General, to Mark W. Richardson, M.D., secretary, State Board of Health.

(c) Under date of Dec. 2, 1912, letter of Dr. J. William Voss to Dr. Henry P. Walcott, chairman, State Board of Health.

(d) Under date of Oct. 21, 1912, letter of Mark W. Richardson, M.D., secretary, to Dr. J. William Voss.

Quotation from Letter of Dr. Richardson.

In July, 1912, the five-year terms of office of certain State Inspectors of Health terminated, and at a regular meeting of the Board, held July 11, the questions (a) of reappointment of certain inspectors and (b) of changes in the limits of certain districts were discussed, and it was voted that the two districts presided over previously by Dr. J. William Voss and Dr. Wallace C. Keith be abolished and incorporated in the districts of other State Inspectors of Health.

Within a few days of this meeting Dr. Voss came to the office and was told personally by myself and also by Dr. William C. Hanson, my assistant, that the

Board had at its last meeting abolished the district over which he had presided, and that in my opinion he was, therefore, no longer in the service of the State. At this time Dr. Voss protested against the action of the Board, and later requests were made by Dr. Voss and also by other parties, notably the Governor of the Commonwealth and also the Central Labor Union of Lynn, that a hearing be given Dr. Voss on this subject.

(a) *Letter of Governor Foss to Dr. Richardson.*

Boston, July 27, 1912.

DR. MARK W. RICHARDSON, *Secretary, State Board of Health, State House, Boston.*

DEAR SIR:— Numerous protests, both written and verbal, have reached this office, relative to the proposed changes in the matter of health inspectors, as recommended by your Board.

I have referred these remonstrants to your Board, and the question of confirmation of these officials has been held up until something could be done relative to these protests.

I believe it would be wise to permit these objectors to be heard, and have advised them that in all probability your Board would give them an opportunity to state their objections; and I would suggest that you give a hearing to those who have already, or who may within a few days voice, a protest against such changes at such time and place as you may elect.

Yours very truly,

E. N. Foss.

Such a hearing was arranged for on August 1. At this hearing, however, on August 1, no one appeared, with the exception of Mr. Charles S. Baxter, counsel for Dr. Voss. This gentleman requested that the hearing be postponed, as Mr. Baxter was unable to produce his witnesses within such a short time; whereupon it was voted that the hearing be postponed to Tuesday, August 6, 3 P.M., said hearing to be held by a special committee of the Board. This hearing was an executive one, and the details of it I am not familiar with.

On August 26 the Board voted to send to the State Auditor a statement informing him of the action taken by the Board at the previous meeting relative to a rearrangement of health districts, reappointments and a new appointment of State Inspectors of Health and a readjustment of salaries, pointing out, in fact, that this action had not yet received the approval of the Governor and Council.

At the regular meeting on Sept. 5, 1912, in response to a petition by the Central Labor Union of Lynn, protesting against the action of the Board in increasing the size of certain health districts, a hearing was opened at 12.05 P.M.

"The petitioners were represented by Mr. John H. Cogswell, and he was followed by other representatives of the above-mentioned labor organization. Michael P. Ward of the Lynn board of health appeared also as a representative of the mayor of that city." At this hearing most of the argument related to the great increase in the size of the district in which Lynn is situated. Very little was said as to the matter as affecting Dr. Voss.

At the meeting of October 3 "the question of State Inspectors of Health and their status having become somewhat involved through the failure of the Governor and Council to act upon the recommendations of the Board made after its regular July meeting, it was voted that the matter be referred for further consideration to the committee on health of towns."

At the meeting of October 10 "the secretary read a letter from Attorney-General Swift in answer to questions submitted to that gentleman concerning the State Inspectors of Health and their status, the rearrangement of certain districts and salaries being still in the hands of the Governor and Council, having been submitted to them for action at the July meeting of the Board. In order to meet one criticism of the Board's action, it was suggested that in order to reduce the unusual size of the district in which the city of Lynn was situated, the city of Lawrence should be transferred to another district."

(b) *Letter of Attorney-General to Dr. Richardson.*

Oct. 10, 1912.

MARK W. RICHARDSON, M.D., *Secretary, State Board of Health.*

DEAR SIR:— Under date of Sept. 16, 1912, you have submitted to me, with a request for my opinion, a statement of facts, in substance that on July 11, 1912, the State Board of Health redistricted the State into 12 health districts instead of 14, in accordance with the provisions of section 1 of chapter 523 of the Acts of 1910; that, at the time, the terms of office of 11 of the then 14 State Inspectors had expired; that the changes in the district lines made it necessary to appoint or reappoint 9 State Inspectors of Health; and that 8 of the former inspectors of health were reappointed and one new one appointed and salaries fixed, but that said appointments and salaries have not been approved by the Governor and Council. You request to be advised "as to the legal course of action which should be taken to insure compensation to such of these State Inspectors of Health as are entitled to salary compensation for work performed during August, and the legal status of the position of the inspectors whose districts have been absorbed by other districts."

It is to be noted that under the provisions of chapter 523 of the Acts of 1910 the Board has full authority to divide the Commonwealth into not more than 15 health districts, and to modify the same from time to time as it may deem necessary or proper; and that this division into districts does not require the approval or consent of the Governor and Council.

It is to be noted further, with reference to the appointment of State Inspectors and the salaries of the same, that they are subject to the consent of the Governor and Council.

R. L., chapter 18, section 1, provides: "A public officer appointed by the governor, with the advice and consent of the council, shall unless otherwise provided by law, hold his office during the term for which he is appointed and until his successor in office has been appointed and qualified."

In my opinion these State Inspectors of Health are public officers within the meaning of said section, and those inspectors whose districts have not been abolished may be considered as continuing in office under their former appointment and at the former salary, and your Board has authority to approve their salary payments on that basis. With reference to those inspectors whose districts have been abolished or absorbed, I am led to the conclusion that they have no standing as inspectors, since your Board changed the districts. Their terms having expired and their districts having been abolished, no successors in office to them can be appointed.

The question of compensation to any particular inspector for work performed since said redistricting is a matter for further consideration upon the particular facts in each case.

With reference to the work of inspection of the territory formerly covered by these last-named inspectors, I am of the opinion that the Board has authority, under the provisions of existing law, to so distribute the work of the other inspectors that this territory may be covered.

Yours respectfully,

JAMES M. SWIFT,
Attorney-General.

At the meeting of Nov. 7, 1912, "the committee on health of towns reported favorably a further rearrangement of the 12 districts to be supervised by the State Inspectors of Health, the purpose being to divide the State, especially the industrial population, more equally among the several inspectors. It was voted, furthermore, to rescind the vote of July 11, 1912, fixing the salaries of certain State Inspectors of Health and to approve the following schedule of salaries:—

"Dr. Harry Linenthal, Dr. Frank L. Morse, Dr. A. S. MacKnight, Dr. Elliott Washburn, increased by \$500 to \$3,000 annually; Dr. Wm. W. Walcott, Dr. Wm. Hall Coon, Dr. Chas. E. Simpson, increased by \$400 to \$2,400 annually.

"It was voted, furthermore, to request the Governor and Council to substitute this salary schedule for that submitted in a communication sent by the Board on July 11."

At the meeting of Dec. 5, 1912, "the chairman read a letter from Dr. J. Wm. Voss of Beverly in relation to the district formerly supervised by him as State Inspector of Health and his status financially and otherwise thereto."

(c) *Letter of Dr. Voss to Dr. Walcott.*

DEC. 2, 1912.

DR. HENRY P. WALCOTT, *Chairman, State Board of Health, State House, Boston, Mass.*

DEAR SIR: — Acting on the advice of my counsel, Charles S. Baxter, Esq., the work of the State Health Inspector in this district has been kept up, but I have not received any compensation although my reports and expense accounts have been accepted by your Board. As you know, this money cannot be apportioned any differently until such time as the Governor and Council have given their consent. Not being able to get any official opinion from the Attorney-General, he has been good enough to go over this matter with me informally, and he has given me his informal opinion that I am entitled to my salary and expenses. Moreover, I have discussed this matter with a number of lawyers of my acquaintance among whom was a judge of the Superior Court, and they have all agreed that this money should be forthcoming. Therefore I hereby make formal request for the money that is due me for services rendered.

This letter is sent in accordance with our conversation on Saturday when you agreed to bring this matter to the attention of the Board.

If it is the pleasure of the Board to authorize the payment of this money which is due me for salary and expenses I would respectfully request that you would facilitate this payment, as I am greatly in need of money.

Very respectfully,

J. WILLIAM VOSS.

This letter emphasized the fact that Dr. Voss had continued his service in the district and that he was entitled to compensation for such service. It was voted that Dr. Voss be notified that the Board, advised by the Attorney-General, must consider that with the abolition of the district formerly supervised by Dr. Voss the latter ceased to have any legal status as far as the State Board of Health is concerned, and, therefore, the Board could not take any action looking towards financial compensation.

As regards a letter written by me shortly after the regular Board meeting on July 11, notifying Drs. Voss and Keith that in my opinion they were not longer within the service of the State Board of Health, these letters were not sent, but lay for a considerable time upon my desk. They were not sent because of the very involved situation indicated by the above-mentioned extracts from the official records of the Board. It was hoped, of course, that the Governor and Council would act favorably upon the recommendations as made, and that as result of such action the State Board of Health could go ahead and arrange its inspection service accordingly. Because, however, of the conflicting actions of the various elements concerned, the sending of these letters was postponed from time to time, and no official communication was sent to Dr. Voss until October 18, when the following communication was sent: —

(d) *Letter of Dr. Richardson to Dr. Voss.*

OCT. 21, 1912.

DR. J. WILLIAM VOSS, *Beverly, Mass.*

DEAR SIR: — For your information I beg to quote from an official opinion given to this Board by Attorney-General Swift under date of Oct. 10, 1912: —

"It is to be noted that under the provisions of chapter 523 of the Acts of 1910 the Board has full authority to divide the Commonwealth into not more than 15 health districts, and to modify the same from time to time as it may deem necessary or proper; and that this division into districts does not require the approval or consent of the Governor and Council.

"It is to be noted further, with reference to the appointment of State Inspectors and the salaries of the same, that they are subject to the consent of the Governor and Council.

"R. L., chapter 18, section 1, provides: 'A public officer appointed by the governor, with the advice and consent of the council, shall, unless otherwise provided by law, hold his office during the term for which he is appointed and until his successor in office has been appointed and qualified.'

"In my opinion these State Inspectors of Health are public officers within the meaning of said section, and those inspectors whose districts have not been abolished may be considered as con-

tinuing in office under their former appointment and at the former salary on that basis. With reference to those inspectors whose districts have been abolished or absorbed, I am led to the conclusion that they have no standing as inspectors, since your Board changed the districts. Their terms having expired and their districts having been abolished, no successors in office to them can be appointed."

Yours very truly,

MARK W. RICHARDSON,
Secretary.

Particular attention is directed to the final paragraph of Dr. Richardson's letter to the commission relative to the matter of official notification to Dr. Voss, wherein Dr. Richardson states that he gave Dr. Voss his oral opinion, as well as did he give the same to Dr. Keith whose district was also abolished, that these men were no longer in the service of the State Board of Health. Letters confirming this opinion were not sent from the office for some considerable time. The reason given for such delay in the written notification was, according to the statement of Dr. Richardson, because of the very involved situation indicated in the extracts from the official records of the Board. It was hoped at the time when the oral dismissal, if it could be called such, was given to Dr. Voss that the Governor and Council would act favorably upon the recommendations made by the State Board of Health, and that this body could go ahead and arrange its inspection service accordingly.

The desired progress, however, was not made and the ultimate sending of these letters was postponed from time to time so that no official communication was sent to Dr. Voss until Oct. 18, 1912, when a communication, which has been marked "D" in the list of subordinate exhibits in Dr. Richardson's letter to this commission, was mailed to Dr. Voss. The conduct of Dr. Richardson in this matter, as expressed in his letter to the commission, was subsequently referred to by him at a hearing before this commission given on Thursday, April 10, 1913, at Room 428, State House, Boston. The statements offered by Dr. Richardson at this hearing are herewith attached to this report, and marked Exhibit A.

It is manifestly evident from the evidence submitted that because of the somewhat involved question in regard to the abolition of the districts, and the failure of the Governor and Council to act upon the recommendation of the Board made at its regular July meeting, the Board itself was not satisfied as to the status of the State Inspectors of Health. Since this is true, it is not strange, therefore, that Dr. Voss was not satisfied as to his own status as health inspector, and this is particularly true since he did not receive any written official opinion of the Board until some time subsequent to his verbal dismissal.

From the evidence offered it is clear that Dr. Voss received no written official notification of dismissal until the letter of Oct. 18, 1912, wherein was contained a quotation from a letter of the Attorney-General, which quotation was to the effect that with the abolition of the district formerly presided over by Dr. Voss his status as an inspector in the employ of the Commonwealth no longer existed. Actual notice, then, of the abolition of his district had been received by Dr. Voss, and the authority of the State Board of Health to make this change was not questioned by him.

In view of the subsequent uncertain trend of events which followed the verbal statement of Dr. Richardson made to Dr. Voss, that in the opinion of the secretary of the State Board of Health Dr. Voss was no longer an employee of the Commonwealth, and because of the additional fact that sub-

sequent to the written communication under date of Oct. 18, 1912, sent by Dr. Richardson to Dr. Voss apprising him of his dismissal as State Inspector of Health, reports and expense accounts had been received from Dr. Voss by the State Board of Health and filed by that body, we believe that an obligation continued to exist in favor of the former State Inspector of Health. It is true that all legal obligations on the part of the Commonwealth to Dr. Voss could be said to have terminated on the date of Oct. 18, 1912, upon receipt of the communication from Dr. Richardson with the enclosed opinion of the Attorney-General. Because of the fact, however, that the services of Dr. Voss were continued subsequent to that date, and because of the benefits derived by the Commonwealth from these services and the acquiescence of the officials of the State Board of Health in this work, this commission is of the opinion that a moral obligation continued, and that from an equitable standpoint Dr. Voss is entitled to some form of compensation. This conclusion appears to be consistent with the view taken by the Attorney-General upon this matter, which opinion is expressed by him in a communication addressed to William D. Hawley, Clerk of the House Committee on Ways and Means, under date of April 3, 1913. From the second last paragraph of that communication we quote as follows: —

WILLIAM D. HAWLEY, Esq., *Clerk, Committee on Ways and Means.*

I stated to the secretary of the Board that if Dr. Voss was permitted to perform the duties of a health inspector and the State received the benefit of them in the way in which they were then doing, I thought Dr. Voss would have a claim, at least a moral one, for reimbursement and recompense.

Yours respectfully,

JAMES M. SWIFT,
Attorney-General.

In conclusion, therefore, the commission would recommend that the amount requested in the resolve be appropriated, namely, \$882.62 for salary and \$91.78 for expenses, making a total of \$974.40. A recommendation is also made that House Bill No. 1714 be amended to read as follows: —

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to J. William Voss, of Beverly, the sum of nine hundred and seventy-four dollars and forty cents, in full consideration for all expenses incurred and all services rendered by him for State Board of Health in matters of health inspection.

In order to avoid a similar occurrence the commission is of the opinion that prompt action by the State Board of Health be taken in giving official written notification to the inspectors of any action that might be contemplated relative to districts or personnel of inspectors which would effect a change of existing conditions.

Exhibit A.

Dr. RICHARDSON. As has been stated, of course Dr. Voss seems to think he was notified only by Dr. Hanson. On that day when he came to the State House I told him he was not, in our opinion, a State Inspector; I have a distinct recollection of talking to him and telling him he was no longer an inspector.

Q You stated in your opinion. A. Yes.

Q. And you were giving your opinion as an official of the State Board of Health?
A. Yes. Of course, that is necessarily a personal opinion. That was not a Board opinion, because the Board had not passed specifically on that question.

Q. On the abolished district? A. On the abolished district they had, but, of course, my opinion was simply a personal opinion; I had no legal backing for it. The statement has been made that the Lynn Board of Health was not cognizant of the fact that Dr. Voss was no longer a district inspector. They were notified, I think it was some time in November, in relation to a specific case of smallpox, and the Lynn board did recognize our opinion in the hearing on December 9, because the chairman was present at that hearing. As regards ophthalmia neonatorum cases which Dr. Voss has inspected, all these cases were inspected by another inspector after Dr. Voss had inspected them. We received our notification and notified Dr. Coon, who also investigated after Dr. Voss had gone.

Q. Well, Doctor, have you gained any information from this sufficiently so that in the future if you knew a man was going around a district doing work which he might not believe to be his right, would you take a different action? A. Yes, very much.

Q. You would have your Board put something in writing? A. Yes. Of course we expected at that time the Governor and Council would act on our case, and we kept waiting from time to time in the hope action would be taken. That is the explanation.

Q. Has there ever been any official notification given to Dr. Voss? A. That letter of October 18, which you have here, I consider an official notification. It gave the Attorney-General's opinion, — his district was abolished, and he was no longer an inspector. I consider that an official notification. Of course that was an official communication, no doubt about it.

BUSINESS ADMINISTRATION IN COUNTY INSTITUTIONS.

On March 31, 1913, an official who held the position of book-keeper at the East Cambridge Jail was found to have misappropriated a large sum of money belonging to that institution.

Under the authority granted to this commission by chapter 719 of the Acts of 1912, an investigation of the institution and the manner of conducting its business was made on behalf of the Commission on Economy and Efficiency, and a full report of that investigation was sent, under date of July 28, 1913, to the Governor and Council.

Inasmuch as two State departments were vitally involved in the question of powers and duties of various supervising Boards in connection with such institutions as the East Cambridge Jail, this commission believes that the following summary of conclusions and recommendations, submitted as a part of its report to the Governor and Council, should be given careful consideration. The two Boards referred to are the Prison Commission and the Controller of County Accounts, and some legislation should without question be enacted which will clearly define the relation which one or both of these Boards should in the future bear to the control of public funds and the administration of

business affairs in all institutions directly or indirectly related to the State government. Following the summary of the commission's conclusions and recommendations with respect to the administration of the East Cambridge Jail and House of Correction, the complete report on that subject is given.

Summary of Conclusions and Recommendations.

In setting forth a summary of the conclusions suggested to this commission by a study of the entire problem, it is deemed of vital importance to call attention to the fact that a complete and exhaustive review of the situation under discussion could not have been accomplished without the study entertained of the various forms of legislation pertaining to the several departments and offices meriting attention in this report. In making a complete "examination of the management . . . of any of the departments . . ." of the State, as provided in chapter 719 of the Acts of 1912, such examination, if properly made, must include a careful study of the statutory provisions that have a direct bearing upon the department being examined.

It should be clearly understood that the interpretation of and opinion concerning the various statutes discussed is not that of the legal department of the Commonwealth, but of a commission, the scope of activity of which is inclusive of such research endeavor. Inasmuch as the power conferred by the act (chapter 719, Acts of 1912) which created the Commission on Economy and Efficiency is purely of a recommendatory nature, no action should be taken until such time as the recommendations contained in this report be referred to, and a request made upon, the legal department of the Commonwealth to hand down an opinion pointing out the statutory duties of the State officials discussed in this report, namely, the Prison Commission and Controller of County Accounts. This commission has requested the Attorney-General to render an opinion upon this subject, but it has been deemed best to submit this report prior to the receipt of his opinion in order that the Governor and Council be given ample time to study the facts herein contained.

Having in mind, therefore, the need for such study of a legislative nature, and the fact that the conclusions herein set forth relative to the legal side of the problem are not those of the Attorney-General's department, this commission presents the following conclusions: —

1. The law expressly imposes upon the office of Controller of County Accounts the duty of examining all the books and accounts of county officers who receive money payable by them to the county treasurer. It is the opinion of this commission that this duty includes the examination of accounts in the manufacturing or industrial departments of houses of correction, and that this examination should assume the nature of an audit.

2. The law expressly imposes upon the Prison Commission the duty of visitation to houses of correction within stated periods, and the duty of inspection of the books and all the affairs thereof. It is the opinion of this commission that this inspection should include a careful scrutiny of the books, to determine if the same are kept properly and in such a manner as to readily indicate the financial condition and operations of the manufacturing or industrial department, and their inspection should also determine whether or not such department is properly administered and managed.

3. The law expressly imposes upon the county commissioners the duty of examination of all the accounts of the matter relative to the expenses of the house of correction. It is the opinion of this commission that the accounts of the manufacturing or industrial department are an integral part of the accounts of houses of correction, and that the county commissioners' examination should include the expenses of such department.

4. The duties imposed by law upon the master of the house of correction are such as would call for a reasonable care and diligence from one entrusted with the custody and management of public funds and property. It is the opinion of this commission that it is incumbent upon the master to be thoroughly conversant with the workings and business methods of every department, including the manufacturing or industrial department, of the house of correction, and that he should be held responsible for the proper management of the same.

5. The manufacturing or industrial department at the East Cambridge House of Correction has been so inadequately supervised and controlled that a larger defalcation might readily have occurred without detection.

6. The accounting system for the institution, and particularly for the manufacturing department, is inadequate, and much information necessary for the proper conduct of the institution is not made a matter of permanent record.

7. The transactions of the manufacturing or industrial department were not audited, owing to the opinion of the Controller of County Accounts that he had no authority so to do; to the opinion of the Prison Commission that the responsibility for auditing rested upon the controller; to the opinion of the county commissioners that they had no responsibility for such accounts; and to the belief of the sheriff and master that such accounts were audited by the controller.

8. If a thorough audit of the transactions of the manufacturing department had been made, the shortage should have been disclosed in the first year in which receipts of the institution were misappropriated. The failure to audit, therefore, is partly responsible for the continuation in the misappropriation of funds.

9. The method of manipulating the accounts practiced by the former bookkeeper involved moneys received from fines and other sources outside of the manufacturing department as well as the receipts from that department. Because of this fact, it has not been definitely determined, in the opinion of this commission, that the shortage should be charged to the manufacturing or industrial department of the house of correction.

10. The bond of the sheriff contains four county officials or employees as sureties, thus tending to place the sheriff under a sense of obligation to persons with whom he has official relations.

Recommendations. — In view of the conclusions as outlined, this commission respectfully submits the following recommendations: —

1. It is recommended that the Governor and Council request the Attorney-General to submit an opinion on each of the following queries: —

(a) Is the responsibility of examining the accounts of the Middlesex Jail and House of Correction sole or joint?

(b) Does such responsibility extend to the accounts of the manufacturing or industrial department of said house of correction?

(c) Where does such responsibility rest?

(d) What is the nature and extent of the duty as determined by the term "examine?"

(e) What is the nature and extent of the duty as determined by the term "inspect?"

(f) Whether it may be said, as a matter of law, that the term "accounts" as used in the law governing this institution extends to all accounts, of whatsoever nature or kind, which are utilized in any manner or form as a part of the business life of the institution?

2. If the law gives to the Controller of County Accounts the authority to audit the accounts of the manufacturing or industrial departments of houses of correction, it is recommended that the Governor and Council instruct the controller to audit such accounts. If the law does not give this authority to the controller, it is recommended that the law be amended so as to authorize the controller to audit the accounts of industrial departments in houses of correction.

3. If the present law not only authorizes, but makes it the duty of the Controller of County Accounts to audit the accounts of the manufacturing departments, it is recommended that the Governor and Council so inform the Controller of County Accounts, and that they insure that he comply with this duty.

4. It is recommended that the Controller of County Accounts install a complete and adequate system of accounts in houses of correction, providing proper accounting control over the manufacturing and other departments. If the controller has not authority under the present law to make such an installation, it is recommended that the law be amended so as to give him such authority.

5. It is recommended that the method of conducting the manufacturing department at the East Cambridge House of Correction be modified so as to insure proper supervision and control over this department, and to insure that it is operated honestly and economically.

6. It is recommended that the Prison Commission, in making such visitations and inspections as are required by law, thoroughly investigate matters of business management and methods, as well as penal or reformatory questions, so as to enable them to recommend the correction of any laxity or unsafe practices in the business side of the institution with respect to methods of supervision and management; the placing of official authority and responsibility; methods of purchasing and handling equipment, materials and supplies, including methods of establishing responsibility therefor; methods of receiving, depositing and disbursing moneys, etc.

7. It is recommended that appropriate action be taken to insure that the Treasurer and Receiver-General accept no bond of a public official which contains as sureties persons who are associated in any official capacity with the bonded officer.

REPORT ON EAST CAMBRIDGE JAIL AND HOUSE OF CORRECTION.

Introduction.

Acting in accordance with chapter 719 of the Acts of the year 1912, and with the power and authority therein contained, the Commission on Economy and Efficiency respectfully submits the following report relative to the recent defalcation occurring at the Middlesex House of Correction, East Cambridge, Mass.

A careful survey of the problem discloses a situation replete with matters of vital interest, not only to the county of Middlesex but also to the Commonwealth of Massachusetts. In view of this fact it has been deemed expedient to state accurately and at length the reasons for the activity displayed by this commission in the matter at hand, and this is to be done by directing attention to the authority and power so granted in the various sections of the chapter creating the commission (719, hereinbefore mentioned), with specific reference to the contents of sections 3 and 7 of such chapter which read as follows:—

SECTION 3. Every officer or board having charge of any department, institution or undertaking which receives an annual appropriation of money from the treasury of the commonwealth, including annual appropriations to be met by assessments. . . .

SECTION 7. The commission may make a special examination of the management or finances of any of the departments, institutions, boards, undertakings, or commissions mentioned in section three and may report thereon from time to time to the governor and council and to the general court, if it is in session.

An examination of the sections to which reference has been given will show that all departments in any manner under the control of the Commonwealth are subject to the scrutiny of the Commission on Economy and Efficiency, as it will be seen also that there is existing in the commission the inherent power to act as of its own initiative in any matter pertaining to the management or finances of State departments, institutions, boards or commissions.

The control exercised by the authorities over the house of correction has been, and is, a divided one. Certain phases of the management of this institution appear to merit the direct attention of the county authorities; on the other hand, there are certain activities manifest therein which receive the attention of the Massachusetts Prison Commission.

Since the year 1887 an important element in the financial management of the house of correction, — that of auditing accounts, — has been delegated to a department of the Commonwealth created for such purpose, and known as that of Controller of County Accounts. It would seem, therefore, that there are two State departments concerned with the recent misappropriation of funds in this institution, and they are, namely, the Massachusetts Prison Commission and the Controller of County Accounts.

Fully aware of the difficulties presented in this problem of many phases, the Commission on Economy and Efficiency is of the opinion, nevertheless, that the formal end of the present investigation and report should deal with such cause or causes of whatsoever nature as concern in any manner departments under the control of the Commonwealth. This statement must not be interpreted, however, in the light of an attempt to eliminate entirely from discussion any other cause contributing to the recent misappropriation. In a final analysis of the situation such material consideration shall be given to officials and departments other than those directly connected with the Commonwealth as will be necessary for a full and impartial treatment of the subject.

In conducting its investigation representatives of this commission on June 28, 1913, visited the jail and house of correction at East Cambridge for the purpose of learning at first hand the methods of conducting the business and keeping the accounts. The commission has procured reports from the Controller of County Accounts and the Prison Commission containing such in-

formation as was in their possession relative to the shortage at the East Cambridge house of correction, and relative to any matters which have a bearing upon that shortage. The commission has held hearings with the Prison Commission, the Controller of County Accounts, the county commissioners, county treasurer and sheriff of Middlesex County, the superintendent of the manufacturing department and bookkeeper at the house of correction, and the cashier of the Lechmere National Bank.

Officials, Industries, Business Methods and Accounts of the Manufacturing Department at the East Cambridge Jail and House of Correction.

In order to assist in understanding the questions of administration and business procedure which were involved in the shortage suffered at the East Cambridge House of Correction, it is considered advisable to present a statement of facts relative to the officials, industries, business methods and accounts of the East Cambridge Jail and House of Correction.

Officials and Employees. — The East Cambridge Jail and House of Correction is in charge of a master who is appointed by the sheriff. In Middlesex County the sheriff has appointed a master for the Lowell House of Correction and himself serves as master of the East Cambridge institution. The present sheriff, Mr. John R. Fairbairn, served as master and keeper of the county jail and house of correction in East Cambridge from June 1, 1896, to June 22, 1899, at which time he was appointed to fill the unexpired term of Sheriff H. G. Cushing. Since his election as sheriff, Mr. Fairbairn has also continued to act as master of the jail and house of correction at East Cambridge.

The manufacturing department in the house of correction is in charge of a superintendent who is selected by the master with the approval of the Prison Commission. The present superintendent, Mr. C. F. Kenney, has filled the position since about Jan. 1, 1896. The power of removing the superintendent from office is vested in the sheriff, but removal from, as well as appointment to, office must be approved by the Prison Commission.

The accounts of the jail and house of correction are kept by a bookkeeper appointed by the master. The late bookkeeper, Mr. F. H. Smith, was appointed to the position about Aug. 1, 1881, and held this position until March 31, 1913.

In this report it is unnecessary to describe other positions connected with the jail and house of correction, since none of them are concerned in the subject-matter of this report. Neither is it necessary to fully describe the administration of the jail and the methods of handling prisoners, it being advisable to consider solely the business and accounting involved in the shortage of F. H. Smith.

Industries and Business Methods. — The manufacturing or industrial department employs about 50 prisoners in the manufacture of mats and brushes, which are sold to private concerns and public institutions, and brooms which are sold only to public institutions. The proceeds from the industry are turned into the county treasury, and bills for the purchase of materials and supplies are paid by the county treasurer after approval by the master and the Prison Commission.

Control of the manufacturing business is vested in the superintendent subject to such general regulations as have been laid down by the Prison Commission. So far as the immediate management of the business is concerned, the superintendent is practically as free from supervision and control

as any private business man. All orders for the purchase of goods are turned over to the superintendent without any record being made or any action taken thereon by any other official and a large number of the letters containing orders are received directly by the superintendent in unopened envelopes; in fact, whenever the officials or employees of the jail receive any mail which they believe pertains to the manufacturing department they deliver the same directly to the superintendent. The superintendent arranges for the manufacture of the goods and fills all orders for the purchase thereof. He has charge of the manufactured product and acts as his own shipper. The only record of the shipment of manufactured goods is kept by him, and he holds the express or freight receipts for all shipments made. Checks in settlement of purchases are received by the superintendent in unopened envelopes whenever it is apparent that the letters are intended for the manufacturing department. In the case of envelopes containing checks, as well as those containing orders for the purchase of goods, it is the general rule for them to be sent directly to the superintendent.

Checks from customers were indorsed by the superintendent and placed in a metal box provided with a lock of which the superintendent held one key and the bookkeeper, Mr. F. H. Smith, the only other key. For each check received the superintendent filled out on a small slip of paper a record of the dates on which the purchases were made, the amount of each purchase, and the amount of the check in settlement thereof, together with the name of the customer. These slips were dropped into the locked box with the checks. Cash received by the superintendent was likewise placed in the locked box with slips of paper recording the source and date of the receipt. This box containing the superintendent's receipts was sent to the bookkeeper semi-weekly. The superintendent was never given any receipt by the bookkeeper for moneys turned over to him. The checks received from the manufacturing department by the bookkeeper were either cashed or deposited by him, as is explained at length on a subsequent page of this report. No indorsement other than that of the superintendent was made on the checks.

The superintendent purchased such raw materials and supplies as were needed in the manufacturing department, and the only supervision exercised over him in this function was the review and approval of his bills by the Board of Prison Commissioners before the bills were settled. The superintendent acted as his own storekeeper in the handling of raw materials and supplies as well as in handling the manufactured product. An inventory was taken periodically of such stock as the superintendent had on hand. This inventory, however, was made by the superintendent himself.

Accounts. — Books of account were kept by the superintendent and by the bookkeeper of the institution, Mr. F. H. Smith. The two sets of books were kept independently and not as parts of one accounting system. The superintendent's books were kept by Mr. Kenney for his own convenience, as he stated to this commission. Mr. Kenney considered that such information as was contained in his books was necessary for the management of the workshop, and he kept the records in such manner as appeared proper to him. Instructions were never given to him to keep any accounts nor was any form or method of bookkeeping ever prescribed for him to follow. Mr. Kenney stated that he understood that the permanent or regular records and accounts for the manufacturing department, as well as for the rest of the institution, were kept by the bookkeeper of the jail and house of correction. The books

kept by the superintendent consisted of a cash book, sales book, invoice book and customers' ledger. From an inspection of these books it is evident that no attempt was made to keep them so as to make a permanent record, and the condition of the books bears out Mr. Kenney's contention that they were kept merely for furnishing him with a convenient record. For a part of the period the entries were made in lead pencil.

The bookkeeper for the jail and house of correction formerly kept a set of books comprising a ledger, sales book, invoice book and cash book in which were recorded transactions pertaining to the manufacturing department. For some unknown reason these books were discontinued in 1902. Subsequent to that date the bookkeeper kept cash books, a register of bills approved by the county commissioners, an analysis or distribution book as provided by the Controller of County Accounts, a fines book and a record or ledger of moneys belonging to prisoners. In addition to these records one of the deputy sheriffs, who acts as purchasing agent for the institution exclusive of the manufacturing department, keeps a record of purchases made by him. While this is not kept in ledger form the record is arranged so as to show the amount of goods furnished by each firm or concern from whom purchases are made. The apparent purpose of the record is to enable the deputy to audit bills received from tradesmen.

Each month the superintendent of the workshop sent his books to the bookkeeper who thus had an opportunity to compare the two sets of records. Mr. Kenney, the superintendent, stated that he understood that his books were turned over to the bookkeeper in order to have them checked up and verified as to their correctness.

Auditing. — The sheriff stated at a hearing before this commission that he did not examine the books or records of either the superintendent or the bookkeeper as he had full confidence in the latter's ability and honesty, and, furthermore, he understood that the Controller of County Accounts audited all records including those of the manufacturing department. Neither the present nor the former Controller of County Accounts, however, ever audited the accounts or transactions of the manufacturing department, but restricted their work to auditing the accounts and transactions of the jail and house of correction, exclusive of that department. The books kept by Superintendent Kenney were never compared with Mr. Smith's books by the controller or any other official for the purpose of audit, inspection or examination. Had such a comparison been made the shortage would have been discovered. The controller's reason for not auditing the accounts of the manufacturing department rests upon a belief that he had no jurisdiction over these accounts, as is stated at length in another part of this report. The Prison Commission or some member thereof, visited the house of correction periodically and inspected the institution for various purposes. Their inspection of the books, however, was of such a superficial nature that it was not entitled to be considered as an examination or inspection of any value.

Bonds. — The former bookkeeper, Mr. F. H. Smith, was under a bond of \$1,000 to the master, Sheriff Fairbairn. The sureties on this bond were Mr. Smith's brother and sister, each of whom is in the employ of the county. Mr. Fairbairn has stated to this commission that he placed Mr. Smith under bond not because he distrusted Mr. Smith in any respect, but that he felt it was good policy to have the bookkeeper bonded in view of the fact that he kept the records of commitments and sentences of prisoners. If a mistake

were made in sentences of prisoners, or in keeping a prisoner longer than his sentence, a suit might result. To guard against this contingency the sheriff thought it was well to have Mr. Smith bonded in the sum of \$1,000.

Sheriff Fairbairn is under bond of \$30,000. This bond is deposited with the Treasurer and Receiver-General of the Commonwealth. The present bond on file with the Treasurer is dated Dec. 31, 1910, and the sureties are as follows: Edward R. Utley of Newton, Joseph O. Hayden of Somerville, John H. Hurley, George H. Kelly and Flora K. Kelly of Cambridge, Frederick G. Coker of Somerville, William C. Dillingham of Malden, Edward B. Malley of Cambridge. The bond specifies that:

The above, as sureties, are holden and stand firmly bound and obliged unto Elmer A. Stevens, Treasurer and Receiver-General of said Commonwealth, in the sum of thirty thousand dollars, to be paid to the said Elmer A. Stevens as such treasurer, or his successors in said office, to which payment well and truly to be made we bind ourselves and our respective heirs, executors and administrators, severally and jointly, firmly by these presents.

The condition of this obligation is such that whereas the said John R. Fairbairn has been duly elected sheriff of the county of Middlesex aforesaid, for the term of five years from the first Wednesday of January, in the year 1911,

Now, therefore, if the said John R. Fairbairn shall faithfully perform all his own duties as sheriff aforesaid, and shall also be responsible for all his deputies, and shall respond and answer for the default of all such deputies, then this bond shall be null and void; otherwise, it shall be and remain in full force.

Of the sureties on this bond, Mr. Joseph O. Hayden is county treasurer; William C. Dillingham, clerk of courts, Edward R. Utley, M.D., physician at the jail; and Frederick G. Coker is also a county official.

Discovery of the Shortage.

The shortage which occasioned this investigation occurred in the accounts of F. H. Smith, former bookkeeper at the East Cambridge Jail and House of Correction. The shortage was discovered by Mr. Irving Taylor, the second deputy in the employ of the Controller of County Accounts. Mr. Taylor's examination of accounts was commenced on March 31, 1913, in compliance with a request from the sheriff and master, Mr. John R. Fairbairn. In explanation of his reason for requesting an audit, Mr. Fairbairn has stated that Mr. Smith was to be retired on pension, and that he, Mr. Fairbairn, desired the books audited before they were taken over by Miss Webber, who had been selected by the master as the new bookkeeper. Mr. Fairbairn further stated that he believed Mr. Smith's accounts to be correct, and that he did not request an audit because he had any suspicion of anything wrong in Mr. Smith's accounts or in his official conduct. The master explained that his request for an audit was largely accidental, as he had not thought of having the books audited until he chanced to meet Mr. Taylor, the second Deputy Controller of County Accounts, a few days before Mr. Smith's retirement. Upon meeting Mr. Taylor it occurred to the master that it might be desirable to have an audit made of the books. Accordingly, he arranged for the same and advised Mr. Smith that Mr. Taylor would be at the office on March 31.

Mr. Smith died on the morning of Monday, March 31. Mr. Taylor reached the house of correction shortly after noon on that day and commenced his

audit, as had been arranged with the sheriff. On endeavoring to check up the cash balance Mr. Taylor experienced difficulty, as he found that the account for the manufacturing receipts had not been written up for the month of March. Furthermore, money was found in various places; for instance, a \$20 bill was found in a mittimus, and \$20 in the outer office and money in several envelopes. No one in the office of the jail was familiar with the methods of keeping the books, and difficulty was experienced in arriving at the cash balance for which Mr. Smith was responsible.

The first attempt to strike a balance indicated that the cash was \$265.59 in excess of the amount called for by the books. In order to assist in clearing up the difficulty Mr. Taylor decided to compare Mr. Smith's books with those kept by Mr. Kenney, the superintendent of the manufacturing department. Mr. Taylor hesitated to make this comparison as "he had been told by a former controller that he had no authority to do so" (page 2 of controller's report to Commission on Economy and Efficiency, dated June 9, 1913).

A comparison of the two sets of books for the month of March evidenced four items, aggregating \$411.15, on Mr. Kenney's books which were not accounted for by Mr. Smith. Upon further investigation it was found that checks aggregating this amount had been turned over to Mr. Smith and had been cashed for him at the Lechmere National Bank in East Cambridge by some one from the jail. On finding this discrepancy Mr. Taylor procured the assistance of Mr. Emerson, the third deputy in the office of the Controller of County accounts, and they compared the books of Mr. Smith and of Mr. Kenney back to December, 1899. This examination disclosed a total shortage of \$31,381.07 in the receipts as entered on Smith's books. A complete audit of the accounts was not made at this time by the controller, but he states that such facts as had been disclosed were referred to the Attorney-General in order to secure his advice as to the proper action to be taken. The controller further states that, upon the advice of the Attorney-General, he took up the matter of the shortage with Mr. Fairbairn, the sheriff and master, and with County Commissioner Williams.

After the shortage had been reported to them by the controller, the county commissioners engaged an auditing company to audit the books for the jail and house of correction. The auditing company submitted two reports to the county commissioners, one covering their audit for the period from June 1, 1896, to March 31, 1913, and the other report covering their audit for the period from Aug. 1, 1881, to May 31, 1896.

After the auditing company had completed its examination of the books for the county commissioners, the Controller of County Accounts made an audit. As has been stated formerly, the first work done by the controller's deputies upon the books was considered in the nature of a preliminary investigation and not a complete audit. In the final audit the controller's office examined the books from 1881 to March 31, 1913. This audit discloses a shortage during this period of \$37,814.67, and additional items totaling \$598.36, which the controller described as a "doubtful shortage."

This commission has not attempted to determine the correctness of the controller's audit, since it would involve a detailed examination of the accounts. Such an examination is outside of the scope of the present investigation, the purpose of which is to consider the responsibility of the Controller of County Accounts and of the Prison Commission with respect to installing and auditing accounts in the industrial departments of houses of correction.

Method followed in Misappropriating Funds.

Bookkeeper Smith manipulated his accounts by omitting from his records a portion of the receipts from the manufacturing department and by using checks received in payment for manufactured goods to cover his misappropriations of cash received from defendants, fines, costs and other sources. The method of handling checks and cash may be described in detail as follows:—

As a rule, the checks were made payable to the house of correction, and in all cases were received and indorsed by Mr. Kenney, the superintendent, who turned them over to the bookkeeper, Smith, semiweekly. The form of the indorsement on such checks was "Middlesex County House of Correction, C. F. Kenney, Supt." No further indorsement was placed upon the checks before they were either cashed at the Lechmere National Bank by a messenger acting for Mr. Smith or deposited to the sheriff's account in that bank. The cashier of the Lechmere National Bank testified that Mr. Smith himself seldom if ever made deposits or cashed checks, but sent some employee to the bank for him.

Miss Webber, the newly appointed bookkeeper, was employed at the house of correction as a stenographer for several years immediately preceding Mr. Smith's death. Miss Webber testified that she frequently acted as messenger in making deposits at the bank and in getting checks cashed. In reply to a question, Miss Webber stated she did not think it strange or questionable that Mr. Smith deposited only a part of the checks received from the manufacturing department and cashed the others for the purpose of procuring money to be used in making payments to probation officers. She stated she considered this practice a proper one "for the reason that we are paying people who are in there for nonsupport at the rate of 50 cents a day for hard labor, and I heard Mr. Smith make the remark that he did not carry enough money in the cash drawer to pay that amount, which equals about \$136 a week, to the probation officers. Not having that amount in the cash drawer he would get a check cashed. At the end of the month the money paid out is returned to him by the county treasurer."

A considerable amount of cash was received by Smith, and he seldom deposited any. It has been ascertained that Mr. Smith frequently held checks for a long period after receiving them from Mr. Kenney, in some instances several months passing before the checks were cashed or deposited. It appears to have been his practice to enter in his cash book only a part of the checks received from the manufacturing department. Those checks which he did not enter were cashed at the bank for him by a messenger or, in some cases, were deposited in the sheriff's account, while an equivalent amount of cash received from defendants, fines and other sources was withheld by Smith; or the method of manipulation may be described as follows: cash received from sundry sources other than the industries was withheld by Smith, although he entered up the receipts on his records, and he then would deposit in the bank checks received from the industries to cover this withheld cash, the checks so deposited not having been entered in Smith's records. Mr. Smith handled the sheriff's bank account, keeping the deposit book and check book and making out checks for the sheriff's signature for such disbursements as were made by him and for those moneys turned over to the county treasurer. The sheriff

trusted Smith implicitly and took no measures to ascertain the correctness of the bank account.

It should be noted that Smith's manipulation of the accounts involved the receipts from fines and other sources outside of the manufacturing department as well as receipts of that department. His method of misappropriating funds involved the misapplication of receipts from fines and other sources which reached him in the form of cash and the covering of the shortage in these accounts by depositing checks received on account of industries which had never been entered in his books as received from the manufacturing department. The receipts of the manufacturing department were largely in the form of checks, and the amount of cash received by that department was small and would cover but a very small part of the total defalcation. In order to misappropriate so large an amount of cash it was accordingly necessary for Smith to divert receipts from other sources which reached him in the form of cash. Attention has already been directed to his practice of holding for a long period of time, in some instances for several months, checks turned over to the bookkeeper by the superintendent of the manufacturing department. This practice of withholding checks before depositing or cashing them was evidently followed for the purpose of enabling Smith to utilize the checks at such times as he needed them to cover cash received from fines and other sources which he had misapplied.

While it was Smith's practice to enter up in his accounts moneys received from fines and sources other than the industries, yet it cannot be inferred from this that the whole loss should be charged against the manufacturing department. It is true that such misappropriations as have been discovered involve the omission from his records of sundry receipts from the manufacturing department, but it should be understood that Smith's method involved the juggling of both sets of accounts. If careful comparison had been made between his cash book entries of moneys received from fines and other sources and his bank deposits it would have been ascertained that he was following at least a very questionable course in not promptly depositing moneys received from such sources as fines. An inspection of the stubs of the sheriff's check books disclosed the significant fact that Smith did not enter thereon his deposits; accordingly, it was impossible at any given time to develop his bank balance from the check book, since that book recorded only the amount of checks issued against the sheriff's account. It was noted by this commission that since the appointment of a new bookkeeper the stub of the check book shows the amount of deposits, so that the bank balance may be determined therefrom at any time.

In view of the fact that Smith's method of manipulation involved the misuse of receipts from fines and other sources outside of the manufacturing department, as well as receipts from that department, it is the opinion of this commission that it has not been definitely determined that the shortage is wholly chargeable against the industrial department.

While the possibility of collusion is not denied, no evidence has been presented which would suggest collusion between Smith and any official or employee.

Comments and Suggestions relative to Business Procedure and Accounts.

The methods employed in conducting the business of the manufacturing department, the system of accounting for this business, and the failure to audit the accounts as described in the preceding section of this report are open to criticism. It is the purpose to here call attention to certain practices which this commission believes could to advantage be changed. Such comments and suggestions as this commission desires to make at this time are presented under the titles:—

- (a) Business Methods and Accounts.
- (b) Auditing.
- (c) Bonds.

(a) *Business Methods and Accounts.* — At the outset this commission wishes to state that such comments as are here made are directed against methods for which, in the opinion of this commission, the superintendent, Mr. C. F. Kenney, is not responsible, and these comments are not to be interpreted as directed against that official.

The system of conducting the business and of keeping the accounts of the manufacturing department has been such that no protection has been afforded against loss or dishonesty in this department. The superintendent has been practically independent, so that it would have been wholly possible to have sold manufactured goods and diverted the receipts in payment therefor without being detected. As has already been stated, it has been the practice for orders for manufactured goods and for checks in settlement therefor to be sent directly to the superintendent without any record being kept other than that made by the superintendent himself. The superintendent filled the orders, shipped the goods, received and indorsed checks in settlement therefor without any provision being made to insure that this business was conducted properly and honestly. The superintendent acted as his own storekeeper and shipper, made the only inventory which was made of the goods and materials in the manufacturing department, and turned over to the bookkeeper the receipts from the conduct of the business. No one other than the superintendent himself could determine whether the amounts turned over were correct. The superintendent even indorsed checks which were deposited without any further indorsement. It is thus seen that from the very first step in the conduct of this business through the whole process of making and selling goods, including the final settlement of accounts, the superintendent was allowed to conduct the manufacturing department without any effective supervision or control. Under such a system of conducting the business it would have been wholly possible for the superintendent, if he had been dishonest, to have misappropriated a larger sum than that taken by the former bookkeeper.

In the opinion of this commission there is most urgent need for the installation of a thorough-going system of accounts. It is believed by this commission that the accounting work for the whole institution, including the manufacturing department, should be centralized in one bookkeeping office, and that a complete double-entry system of accounts should be installed. This system should provide accounts and records for developing such information as is needed for the proper administration and control of the manufacturing department, as well as for the other departments of the house of correction. In the case of the manufacturing department, all orders for the purchase of goods should pass through the bookkeeping office and be properly recorded

there before being sent to the superintendent for execution. It would be desirable to have these orders for the purchase of goods made in duplicate so that one copy could be permanently filed in the bookkeeping office and the other copy forwarded to the superintendent. Very little if any difficulty would be experienced in procuring duplicate copies, since the larger part of the goods are sold to regular customers. All checks in settlement of accounts should be recorded in the bookkeeping office and never should be sent to the superintendent. All checks should be indorsed by the master, and the bookkeeper and superintendent should never have the power to indorse checks. Some system should be devised so that a proper record in the bookkeeping office may be kept of such goods as are manufactured. Such a record would enable the master and other officials to determine what goods the superintendent or his storekeeper is responsible for and provide information as to whether the goods have been properly accounted for.

In addition to recording the manufactured product, the accounting system should also provide for recording all equipment, materials, supplies and other property for which any official or employee of the institution is responsible; in other words, a complete accounting system should be installed which would develop information relative to (a) all the assets of the institution, including accounts receivable as well as properties; (b) all obligations, including accounts payable; (c) all revenue; and (d) all expenses. At present the records are incomplete, and some information that should be a matter of record has been completely omitted from the books of account.

The method of handling and accounting for cash has been very loose. The bookkeeper in a large measure acted as cashier, and no provision was made for determining his responsibility for a large part of the receipts which he handled. Such a system of handling cash is, of course, open to as severe criticism as the system of permitting goods to be manufactured and sold by the superintendent of industries without any record being kept to establish the responsibility of that department. With respect to cash receipts it is essential that cash should be handled by some person other than the bookkeeper and responsibility therefor established by records kept independently of the cashier; or, if the bookkeeper is to act as cashier, it is essential that some system of documents and records be devised so as to determine definitely the accountability of the bookkeeper for such cash as he handles; in other words, some practice must be devised which will insure a record being kept by some person other than the person handling the cash. It would seem desirable to have a general cash book which may be provided with columns for analyzing the receipts of cash and recording them separately at the time of receipt. A general cash book would facilitate determining the total amount of cash which must be accounted for. Moreover, the practice of making cash disbursements has been followed farther than is necessary and desirable. It is preferable to make disbursements by check, and this system should be substituted for many of the disbursements which have been made in cash.

The suggestions already made for improving the accounting methods at the house of correction refer to the need for more systematic accounting in order to determine the fidelity of officials in handling cash, manufactured products, materials and other properties, and to provide proper records of liabilities. The accounting system should also develop information as to the cost of manufactured goods and of running each department or branch of the institution. Such information will assist the Prison Commissioners, county commissioners

and the master in ascertaining whether the several departments have been run economically. This commission realizes that the Controller of County Accounts has provided a classification of expenditures which is of some value in this respect, namely, in assisting the officials to determine whether the institution has been economically run. It is believed, however, that the accounts should be arranged so as to provide more definite information as to the costs of administration, maintenance and operation.

Closely associated with the subject of accounting is that of preparing financial reports. Unless a proper system of reports is provided for, a part of the value of a complete accounting system is lost in that the information contained in the accounts is not made available to the officials responsible for the conduct of the institution. It is believed that a system of monthly reports which would contain accurate and complete information on the assets and liabilities of the institution, as well as information on the cost of running the several departments, and on the products manufactured during the month would be of material assistance to the officials in charge. Such reports assist the officials in keeping informed as to the exact status of their business. If houses of correction were required to prepare proper monthly reports of their finances, and if these reports were made currently available to the masters, county commissioners and Prison Commissioners, it would assist these officials to promptly check tendencies towards extravagance. While the unit costs and other statistics presented in the annual reports of the Prison Commission and controller are of value, yet they are available too late for furnishing the information needed for current control of the institution.

This commission recognizes that valuable work has been done by the Controller of County Accounts in improving the accounting methods, but it believes that the work should be pushed much further, and that such a system of accounts and reports should be installed as will assist the administrative officials in being reasonably sure of the accuracy of the records and in holding responsible those charged with the conduct of affairs.

In view of the fact that a considerable amount of bookkeeping and clerical work in connection with the accounts has been performed in the past, it is the opinion of this commission that very little if any net increase in the total amount of such work would be necessary in order to keep a wholly adequate system of accounts. The reorganization of the accounts would increase somewhat the amount of bookkeeping work in the central office, but would decrease such work in the manufacturing department, where it is necessary to keep only a few simple records and not a set of books. The amount of bookkeeping performed in other parts of the institution, as for example, by the deputy sheriff, who acts as purchasing agent, would also be reduced by the adoption of new methods in the central bookkeeping office. It is believed that adequate records could be kept with the present force of employees and without making any additional appointments.

(b) *Auditing.* — The shortage which has occurred in the accounts at the East Cambridge Jail is sufficient evidence of the danger of allowing public accounts to be kept without submitting them to a thorough-going audit. The laws relating to the auditing of accounts, and the opinion of this commission that the Controller of County Accounts is responsible for auditing the manufacturing accounts, are discussed in a subsequent section of this report, together with the reasons for this opinion. It is believed, however, that it may be well to here point out that in the opinion of this commission a thorough-

going and proper audit of the transactions of the house of correction, and particularly of the manufacturing department thereof, cannot be made until improvements are effected in the business methods and accounts. While an audit of the accounts as heretofore kept would have disclosed the shortage which has been discovered in Mr. Smith's accounts, yet it is the opinion of this commission that other shortages might readily occur and not be disclosed by an audit of such records as have hitherto been maintained. This commission fails to see how an audit of the accounts as kept would have determined with any reasonable degree of assurance whether the transactions of the manufacturing department had been properly conducted. So long as the practice is followed of allowing a person responsible for the operation of the workshop to keep the accounts which must be used in determining his responsibility, and so long as the practice is followed of allowing a person responsible for the custody of cash to keep the accounts which must be used in determining his responsibility, it appears to this commission impossible to make a proper audit. Furthermore, an inventory made by the person responsible for the custody of the goods has little or no value from an auditing standpoint.

While this commission believes the Controller of County Accounts is directed by law to audit the transactions of the manufacturing or industrial departments of houses of correction, yet it is of the opinion that the present controller, Mr. Dean, is entitled to a considerable degree of consideration in his view that such accounts are not within his authority. Mr. Dean was informed that his predecessor, Mr. Prescott, had fully investigated this subject and had concluded that the controller's authority did not extend to the industrial accounts. Mr. Dean accepted this view and still holds it, contending that the Prison Commission rather than the controller is responsible. It is worthy of note that Mr. Dean reported to this commission last March, in reply to a series of questions on his office, that he believed it was desirable to make "an installation of new accounting methods in houses of correction."

In the opinion of this commission the audit should be thorough and complete, including the consideration of such questions as prices, character of goods and the propriety of the purchase; as, for example, whether the purchase has been made from county officials or others who may be officially connected with the conduct of the institution. The audit of the manufacturing department should also include consideration of the prices at which goods are sold. The superintendent now determines the discount, if any, to be allowed customers, and it is largely a question of his judgment, with the exception of such prices as are determined by the Prison Commission. The question of prices received for manufactured goods is as important to the community as the price paid for goods purchased by the institution. The review and audit of these subjects by the controller may involve amendments to the present law.

In considering the methods of audit it must be borne in mind that the Controller of County Accounts is now required to audit the transactions of approximately 300 offices and institutions, and that this work must be performed by himself and three deputies. It is a serious question whether there would not be a net saving to the people of the State if more money were expended for auditing, and thus to a greater extent insure the public against loss.

(c) *Bond of the Sheriff.* — As has been stated the sheriff is bonded for \$30,000. Attention has already been called to the fact that of the sureties on this bond several are in the employ of Middlesex County. Mr. Joseph O. Hayden, the county treasurer, Mr. Wm. C. Dillingham, clerk of courts, Dr. E. R. Utley,

jail physician, and Mr. F. G. Coker, also a county official, appear as sureties on this bond.

The practice of furnishing such a bond is open to question. It tends to place the bonded official under a feeling of obligation to those persons who are his sureties, and it is self-evident that any public official should not be under any obligation to those with whom he has official relations. The Treasurer and Receiver-General has, in accordance with the law, examined the bond as to its sufficiency and has approved the bond in this respect. This commission has no reason to question this particular bond in respect to its sufficiency, yet it seems appropriate to raise the question as to whether bonds executed as this is can, as a general rule, be considered as furnishing the same degree of protection as would be furnished by a responsible bonding company.

Statutory References to "House of Correction."

The focus of the particular problem at hand appears to rest upon the duty of examining the accounts in a department of what is known as the "Middlesex House of Correction." Prior, therefore, to a formal discussion and analysis of the various forms of legislation governing and controlling the two State departments known as the Prison Commission and the Controller of County Accounts, together with a further study of county officials, it would appear advisable, and it is therefore so attempted, to mention in a general way the different instances wherein the term "house of correction" appears in such legislation as would naturally affect the problem at hand. The discovery of the term "house of correction," therefore, shall be noted when appearing in any legislation affecting in this particular instance one or more of the following departments, institutions or officials, namely, the Prison Commission, the Controller of County Accounts, county commissioners and the county treasurer.

Attention is primarily directed to chapter 222, Revised Laws, section 3 wherein the phrase "house of correction" is expressly incorporated in the provision which places upon the Prison Commission a power of general supervision of not only the State Prison and the Massachusetts Reformatory, but also of jails and houses of correction. Again, in the same section, namely, section 3, the term "house of correction" occurs in the following paragraph:—

... jailers, keepers of houses of correction, county commissioners and the penal institutions commissioner of the city of Boston shall make no rules inconsistent with the aforesaid rules,

"aforesaid rules" referring to such rules as the Prison Commissioners see fit to establish for the conduct of the officers in such institutions.

In section 5 of this chapter, namely, chapter 222, Revised Laws, the term "house of correction" is expressly referred to where provision is made in the law as follows:—

They [referring to the prison commissioners] or one of them shall visit each jail and house of correction at least once in six months, for the purpose of inspecting the books and all the affairs thereof. . . .

In section 48, chapter 21, Revised Laws, the phrase "house of correction" while not expressly set forth is, nevertheless, impliedly incorporated in this section wherein the law provides that the controller or deputy controller shall visit at least once a year all other county officers who receive money payable

by them to the county treasurer. They shall also keep an accurate account of all money charged or received and expenditures made or liabilities incurred, and shall annually make a return under oath to the controller of such receipts and expenditures. It is obvious that the phraseology of this section confers upon the office of the Controller of County Accounts a power that readily embraces such institutions as houses of correction.

In section 22, chapter 21, Revised Laws, express reference is made to the phrase "house of correction" in relation to the duty and powers of the county treasurer. The appearance of this phrase in such section, however, deals rather with the duty on the part of the treasurer to deposit any surplus cash from such institution, rather than a personal supervision of accounts handled in such institution.

In chapter 224, Revised Laws, relative to jails and houses of correction, the term "houses of correction" appears in section 11 which reads as follows: —

The county commissioners . . . shall examine all accounts of the master relative to the expenses of the institution and shall keep a record of their official proceedings relative thereto.

Here the phrase "house of correction" is expressly mentioned in reference to the duties of the county commissioners, and apparently extends to all accounts which are kept in such institutions. In chapter 20, section 24, second paragraph, an implied reference to this phrase may be found in the following: —

. . . to represent their county, and to have the care of its property and the management of its business and affairs in all cases not otherwise expressly provided for. . . .

It would appear, therefore, from a study of the foregoing, that the term "house of correction" is not unknown in the legislation which directs the duties and responsibilities of the Prison Commission, Controller of County Accounts, county commissioners and the county treasurers. For purposes of convenience, as well as clearness, it has been deemed advisable to seek for information in the law governing the departments hereinbefore mentioned in the following order: (a) Prison Commission; (b) Controller of County Accounts; (c) county commissioners; and (d) county treasurer. It is proposed further to set forth in this discussion, (1) the statutes in reference to the office or official; (2) the scope of power and duty under such statutes; (3) the interpretation of such duties under the statute by the head of the department mentioned; and (4) criticism of such interpretation.

Statutes relating to State Departments.

Prison Commission. — The general legislation affecting this department of the Commonwealth is to be found in chapter 222 of the Revised Laws. Such chapter deals in general with the powers and duties of the Prison Commission and embraces nine sections. General mention will be made of each section of this chapter with such specific detailed study of those sections as immediately affect the problem at hand.

Section 1 of this chapter provides for the personnel of the Board of Prison Commissioners, the salary and the expenses incurred in the performance of

their special duties. It is also stated in this section that "... the board may delegate to the chairman any of its powers and duties, except the authority to release and transfer prisoners." It might be well in passing to state upon the authority of the secretary of the Prison Commission, Mr. J. Warren Bailey, that no such delegation of authority in relation to the matter of accounts in the industrial department had ever been made by the commission to the former chairman, Mr. Pettigrove, or to his successor, the present incumbent.

Section 2 provides for the appointment of a secretary with provision for salary and expenses, and for the designation of some one person to act in the absence of such secretary. Provision is also made for the expenses of the office.

In section 3 an outline of the duties of the Prison Commission is set forth. It is provided in this section that the commission shall have the general supervision of the State Prison, Massachusetts Reformatory, the Reformatory Prison for Women and of jails and houses of correction. Specific reference is made to jails and houses of correction as subjects of general supervision by the Prison Commission. It is further provided that the commission shall make rules for the direction of the officers of such institutions in the performance of their duties; for the government, discipline and instruction of the convicts therein, as well as for the custody and preservation of the property connected therewith; for the teaching of prisoners who are committed to a jail or house of correction for six months or more; and other such duties relative to prisoners in these institutions. It is provided that copies of such rules as have been made by the commissioners shall be submitted to the Governor and Council for approval, annulment or modification. In the concluding lines of this section it is expressly provided that "... jailers, keepers of houses of correction, county commissioners and the penal institutions commissioner of the city of Boston shall make no rules inconsistent with the aforesaid rules." For the purpose, therefore, of securing the proper government, discipline and instruction of convicts; the custody and preservation of prison property; the teaching of prisoners in houses of correction; the securing of proper exercise for unemployed sentenced prisoners in jails and houses of correction; medical examination and supervision of such prisoners punished by solitary confinement, the prison commission is empowered to make such rules as will brook no interference from whatsoever source.

The general tenor of section 4 deals with visits to prisons, and it is provided in this section that the full Board shall visit the State Prison, Massachusetts Reformatory and Reformatory Prison for Women semiannually, and shall make a thorough examination thereof. It is provided in this section that a majority of the Board shall visit said prisons once in three months for the purpose of inspecting the books and all the affairs thereof, and of ascertaining whether the laws and rules are duly observed, the officers competent and faithful and the convicts properly governed and employed. Supplementing this duty of visitation is also enjoined upon the commission the duty of submitting the proper report to the Governor and Council when any violation of law or neglect or omission of duty comes to their knowledge, and when this violation of law or duty is committed by any officer of the State Prison, Massachusetts Reformatory or Reformatory Prison for Women. It will be noticed in this section that no reference appears to have been made to jails or houses of correction, the section rather dealing expressly with prisoners in State institutions.

In section 5 of chapter 222 of the Revised Laws, however, provision is made for visitations by the commission to jails and houses of correction, and because of the importance attached to this section it is herewith given verbatim:—

They or one of them shall visit each jail and house of correction at least once in six months, for the purpose of inspecting the books and all the affairs thereof and of ascertaining whether the laws and rules are duly observed, the officers competent and faithful and the convicts properly governed and employed; and for this purpose, they shall have all the powers which county commissioners, or the penal institutions commissioner of the city of Boston, have as inspectors of prisons in their several counties.

For a historical appreciation of the foregoing section, attention is directed to section 8 of chapter 370 of the Acts of the year 1870; section 11, chapter 294 of the Acts of the year 1879, as well as section 15, chapter 219 of the Public Statutes. Through these various stages of legislation the substance of the law now appearing in the above-mentioned section has passed and has remained substantially unchanged.

Continuing the analysis of section 5, chapter 222 of the Revised Laws, and in reference to houses of correction, attention is directed to the phrase "for the purpose of inspecting the books and all the affairs thereof, and of ascertaining whether the laws and rules are duly observed, the officers competent and faithful. . . ." The scope of power, as well as the extent of duty, necessarily entailed in the phrase, "purpose of inspecting the books and all the affairs thereof," would apparently give and impose upon the Prison Commission a general power and duty of examining into these matters with the care and detail necessarily expected of them as commissioners. No expressed provision is made for a detailed, comprehensive examination of the books of such institution. The duty is rather of a general nature, and the powers granted to them by this section give to such commissioners all the authority which the county commissioners, or the penal institutions commissioner of the city of Boston, have as inspectors of prisons in their several counties.

By express legislation, therefore, the Prison Commissioners when inspecting jails or houses of correction meet upon equal ground with the county commissioners, as well as the penal institutions commissioner of the city of Boston, and it is fair to assume that their powers and duties are not more detailed than those of such county officers. Attention is expressly directed to the fact that no mention whatsoever is made of a transfer, temporary possession or an equal sharing, by the Prison Commission, of the powers and duties possessed by the Controller of County Accounts. Rather general supervisory power and duty of examination, such as is possessed by the county commissioners and the penal institutions commissioner of the city of Boston is granted such commission. It would appear evident, therefore, from an interpretation of this section that the Prison Commissioners are not by law required to take upon themselves the powers and duties of the Controller of County Accounts. Nor does the section appear to provide in any way for interference by the Prison Commission with the duties and powers resting upon such officer.

In section 6 of chapter 222 of the Revised Laws provision is made for reports of criminal cases to be rendered by the clerks of criminal courts to the Prison Commission, and in the same section is a penal clause for neglect to perform such duty.

Section 7 provides for monthly reports of arrests to be made to the Prison

Commission, while in section 8 it is provided that the commissioners shall, at least once in six months, report in writing to the Governor the condition of the State Prison, Massachusetts Reformatory and the Reformatory Prison for Women, and shall also report to the Governor when in their judgment the conditions or administration, financial management or discipline in any of the said institutions require executive action.

It might be well to note in the provisions of this section that the duty of reporting to the Governor is one which does not extend beyond the conditions in State institutions. It is, therefore, obvious that there is not incumbent upon the Prison Commission, as contained in this section, a duty to make reports relative to the financial management or accounting maintained in any county institution.

Section 9 provides that the commission shall annually make a full and complete report to the General Court, and this report shall show fully and in detail the actual condition on a certain date of the State Prison, the Massachusetts Reformatory, the Reformatory Prison for Women and of each jail and house of correction. In detail this report shall set forth the number of inmates of each; shall also state the industries which have been carried on in the institutions named in section 43 of chapter 225 during the year (section referred to embraces institutions known as houses of correction); the number of prisoners employed in each institution, as well as the greatest and smallest number thereof at any one time; the kind and quantity of goods manufactured, the amount thereof sold to such institutions and otherwise, and the prices received therefor. Continuing, the section imposes the duty of including in such report by the commission, reports rendered to it by the warden of the State Prison, the superintendent of the Massachusetts Reformatory and the superintendent of the Reformatory Prison for Women. The concluding lines of this section call for statements relative to estimates of amounts required for the maintenance of such institution, as well as a statement of the probable income of each prisoner from labor and all other sources.

It would seem, therefore, that the general tenor of the section would impose upon the commissioners a duty of examination and scrutiny into the affairs of such institutions as is compatible with sound business management. The entire life and management of the institution as a whole is, without doubt, made the purpose of the legislation herein cited, and compliance with the duties imposed, the examination and supervision of such institutions, calls for such knowledge and ability as could reasonably be expected of the Prison Commission in the performance of its duties.

In chapter 447 of the Acts of the year 1887, entitled an act relating to the labor of prisoners in the State Prison, reformatories and houses of correction, contracts for the labor of prisoners were abolished and the following provision made for the employment of prisoners in such institutions:—

SECTION 1. No contract shall hereafter be made for the labor of prisoners confined in the state prison, reformatories or any of the houses of correction; but such prisoners shall be employed by the warden, superintendent or master of said prison, reformatory or house of correction, under rules and regulations to be established by the general superintendent of prisons in such industries as shall from time to time be fixed upon by said warden, superintendent or master and the general superintendent. The warden, superintendent or master, under the direction of the general superintendent, shall purchase such tools and implements as he and they shall consider necessary for carrying on said industries.

This section specifically empowers the superintendent of prisoners with a general supervisory control of the industrial department of the institutions named in the foregoing section. This power, however, should not be interpreted as extending to, and including the burden of, auditing accounts in such institution. In section 7 of the same chapter the power is granted the superintendent to establish and maintain in the State Prison, reformatories and houses of correction in the Commonwealth such industries as may be determined upon by him in conjunction with the superintendent or master.

Section 11 of this same chapter provides as follows:—

The master of any house of correction shall pay into the treasury of the county, whenever he shall have in his possession as great a sum as five thousand dollars, and in all cases as often as once in each month, all moneys received under the provisions of this act.

This section would appear significant in that specific provision is made for the payment into the treasury of the county, by the master of any house of correction, of all moneys received under the provisions of this act. The phrase "all moneys received" would logically be interpreted as inclusive of all sums derived as income from all departments of the house of correction, and this is of necessity inclusive of the department of industries. Again, in section 9 of the same chapter, it is provided that the general superintendent, or warden or master under his supervision, shall purchase the materials to be used in manufacturing as aforesaid and sell such manufactured goods as shall be produced in the prison, reformatory or house of correction; also that all moneys received for such sales shall be paid by the purchasers to the respective institutions from which the goods are delivered. This section, in conjunction with section 11 hereinbefore mentioned, would conclusively evidence the fact that the purchase of raw material to be used in the manufacturing department of the house of correction could be made by the master, the moneys to be received for sales of such goods to be taken by the master, and the accounts of such moneys paid over to the treasurer of the county in which the institution was located.

Section 7 of chapter 447 of the Acts of the year 1887 is specifically repealed by section 6 of chapter 403 of the Acts of the year 1888. Section 9 of chapter 447 of the Acts of the year 1887 received a modification in section 3, chapter 403 of the Acts of the year 1888, and the result of this change was to divest the general superintendent of the power to purchase and sell, leaving in him such authority as was subsequently in section 2 of chapter 364 of the Acts of the year 1901, transferred to the Prison Commission. That part of the section referred to which is essential for reference is herewith cited:—

The offices of commissioners of prisons and general superintendent of prisons are hereby abolished; and all the powers and duties now possessed by and devolving upon said commissioners and general superintendent are hereby conferred and imposed upon said board of prison commissioners. . . .

It would appear, therefore, from a study of the foregoing, that the power exercised over the department of industries in houses of correction is a supervisory one, and the duties imposed upon the Prison Commission are such general obligations of examination of accounts as would be expected from reasonably prudent men in the exercise of their office.

An appreciation of the different forms of legislation affecting the duties of

the Prison Commission has been submitted under date of July 15, 1913, to this commission by Frank L. Randall, chairman of the Prison Commissioners.

On page 1 of the brief submitted by the Prison Commission, attention is directed to section 5 of chapter 222 of the Revised Laws, and the observation is here made that such section is substantially the same as the original enactment of 1870, and it is further stated that in the development of the prison department of the Commonwealth, and through the later enactment of section 11 of chapter 294 of the Acts of the year 1879, as well as in section 19, chapter 219 of the Public Statutes, the duty of the prison officials remained unchanged. In support of the view advanced by the Prison Commission, to the effect that the term "inspection" does not mean "audit," attention is directed to section 22 of chapter 219 of the Public Statutes, wherein the power is conferred upon the commissioners to employ an accountant whenever it is deemed necessary to make an examination of the books and documents relative to the State Prison and the Reformatory Prison for Women.

Reviewing the various forms of legislation enacted in reference to the Prison Commissioners, and referring specifically to the matter of visitations and examinations of accounts, it might be stated that the power to appoint auditing officers for the examination of books and documents, as suggested in section 22 of chapter 219 of the Public Statutes, specifically refers to the State Prison and the Reformatory Prison for Women, and no mention whatever is made of institutions classified as houses of correction. On the other hand, in section 5 of chapter 222 of the Revised Laws it specifically states, relative to the duties of the Prison Commissioners, as follows: —

They or one of them shall visit each jail and house of correction at least once in six months, for the purpose of inspecting the books and all the affairs thereof and of ascertaining whether the laws and rules are duly observed. . . .

Continuing, the section provides: —

. . . and, for this purpose, [that is, for the purpose of inspection of books and all the affairs thereof] they [specifically referring to the Prison Commissioners] shall have all the powers which county commissioners, or the penal institutions commissioner of the city of Boston, have as inspectors of prisons in their several counties.

It would appear evident that this section aims to clothe the Prison Commission with the same powers as are possessed by the county commissioners when they are concerned with an inspection of the accounts of houses of correction. It will be noticed in this section that the term "inspection" refers directly to the books of such institution, and this should not be interpreted other than meaning a complete inspection of all the books of such institution. While it is obviously true as contended in the brief submitted by the Prison Commission, that a distinction might well be drawn between the term "inspection" and that of "audit," it should follow that a proper inspection of the books would have necessarily raised the question as to whether these books had been made the subject of an audit.

It is continued upon pages 1 and 2 of the brief submitted by the Prison Commission as follows: —

There are no accounts of a jail or house of correction which are not the accounts of the county officials. All payments are made from the county treasury, and all receipts from any source are required to be paid to the county treasurer.

While it might possibly be said that there are no accounts of a jail or house of correction which are not the accounts of county officers, it is likewise evident, from an examination of section 5 of chapter 222 of the Revised Laws, that the duty, and it is mandatory, is placed upon the Prison Commission of visiting such county institutions and of inspecting the books and all the affairs thereof; and if this duty were properly carried out the question would have doubtlessly been raised as to whether or not these books were properly kept, and this of necessity could only be determined by ascertaining whether or not an audit had been made. It would appear strange, therefore, that the duty of inspecting the books could be properly conducted without raising the query as to whether or not the books had been audited.

Upon page 2 of the brief hereinbefore referred to, the Prison Commission states that it has no authority to appoint nor to remove any person connected with the industries. It also contends that superintendents and instructors who direct the prisoners in their work are appointed by the master with the approval of the Prison Commission, and are removable in the same way. This contention, while perhaps sound in the premises, would not appear to relieve the Prison Commission of the responsibility placed upon it by the provisions of section 5 of chapter 222 of the Revised Laws. The commission ought not, if it performs its duties properly, to be indifferent or careless in the matter of inspecting the books and all the affairs of such institution. It might be noticed that in section 5, as hereinbefore referred to, the obligation imposed upon the commission is not permissive but mandatory, and in order that this duty might be properly carried out the commission, as has been before stated, is by this section clothed with all the powers which county commissioners have in reference to houses of correction. It is hardly consistent to say, therefore, that the duty of inspecting the books and affairs of the institution could be properly carried out without raising the question, as has been stated, in reference to the condition of the books, and the problem of the proper condition of the books of the institution could only be determined by reference to an audit of the same.

In order for the Prison Commission to make such an inspection as appears to be required of them by law, they should have scrutinized with greater care (a) all books of account kept by the superintendent and by the bookkeeper, (b) the methods, or lack of methods, in the business of selling goods and handling the proceeds therefrom, and (c) the neglect on the part of the sheriff and county commissioners to adequately manage and supervise the affairs of the industrial department. Furthermore, the inspection of accounts required of the Prison Commission calls for a first-hand inspection "once in six months." It is evident that they cannot rely on the annual audit of the Controller of County Accounts to determine the condition of the books, but the proper compliance with their statutory duties requires them to ascertain whether the books are properly kept. If the Prison Commission had adequately inspected the books and affairs of the house of correction they would have discovered at least the laxity of management and loose business methods, and probably would have discovered the shortage.

Controller of County Accounts. — This office was established in 1887, chapter 438, taking over the powers and duties previously held and exercised by the Savings Bank Commissioner. The legislation affecting this office is to be found in sections 45 to 50, inclusive, chapter 21, Revised Laws. Section 45 deals with the appointment of the controller, and the length of term of such

appointment. In section 46 provision is made for the salary of the controller and the appointment of deputy controllers, together with their salaries and the provision for traveling expenses of such offices. Sections 47, 48 and 49, dealing specifically and in detail with the duties of the officers, are deemed to be of vital importance in this discussion and are therefore incorporated as follows:—

SECTION 47. The controller or his deputy shall, without previous notice inspect the books and accounts of the county treasurer of each county except Suffolk at least once a year and examine all original vouchers for the expenditures made by said treasurer, and if the same are correct, and accompanied by sufficient vouchers stating in detail the items of each bill or account, and such vouchers confirm and sustain such bills and accounts, and if, in case of all payments in excess of eight hundred dollars, the provisions of section twenty-seven of chapter twenty have been complied with, he shall so certify on the cash book of the treasurer and shall set forth in words at length the balance existing when the examination is completed. If such accounts are incorrect or not accompanied by sufficient vouchers, the controller shall, unless the inaccuracy or deficiency is promptly rectified, give notice in writing to the county commissioners and to the attorney-general, and shall make a full statement thereof in his next annual report.

SECTION 48. He or his deputy shall also visit, at least once a year without previous notice, all other county officers who receive money payable by them to the county treasurer, clerks of the supreme judicial court and the superior court in the county of Suffolk, the recorder and all assistant recorders of the court of land registration, registers of probate and insolvency, registers of deeds, trial justices and clerks of police, district and municipal courts, and justices of such courts having no clerk, and truant schools, and shall make an examination of their accounts and vouchers and the items of receipts and expenditures. He shall ascertain the actual amount of money on hand in each of said departments or with any of said officers. He shall require, so far as possible, uniformity and correctness in the method of keeping said accounts, and may prescribe the classification of receipts and expenditures and a uniform system of receipts, certificates, vouchers and exhibits. Said officers and persons shall afford to the controller and his deputies such assistance as he may require in making such examination and shall make returns and exhibits under oath in such form and at such times as he shall prescribe. They shall also keep an accurate account of all money charged or received by them in their official capacities, and also of all expenditures made or liabilities incurred by them on account of the same, and shall annually, on or before the fifteenth day of January, make a return under oath to said controller of such receipts and expenditures for the preceding year.

SECTION 49. The controller shall annually, on or before the first day of February, make a report to the general court in which he shall include the material portions of the returns made under the provisions of the preceding section, compiled in tabular form, with his suggestions and recommendations.

Attention is directed to the provisions of section 47, wherein it becomes the duty of the controller or his deputy to inspect the books and accounts of the county treasurer of each county, Suffolk excepted, within certain stated periods, providing also for the examination of all original vouchers for expenditures made by said treasurer, as well as enacting provisions for the approval of such bills and accounts and providing for remedies in case some do not appear satisfactory to the said controller.

In section 48 the extensive scope of the duties of the controller appears in the provisions which provide for a visit by him or a deputy, and without previous notice, to *all* other county officers who receive money payable by them

to the county treasurer, etc. The law clearly states that the controller or his deputy shall ascertain the actual amount of money on hand in each of said departments or with any of said officers. It is mandatory that he require, so far as possible, uniformity and correctness in the method of keeping said accounts. The law states that he may prescribe the classification of receipts and expenditures and a uniform system of receipts, certificates, vouchers and exhibits. It would seem that this latter provision, wherein the controller "may prescribe the classification of receipts," is really an auxiliary to the mandatory duty imposed upon him, wherein "he *shall* require so far as possible uniformity and correctness in the method of keeping said accounts."

It is further stated in this section that —

. . . said officers and persons shall afford to the controller and his deputies such assistance as he may require in making such examination and shall make returns and exhibits under oath and in such form and at such times as he shall prescribe. . . .

Continuing, the statute states that —

. . . they shall also keep an accurate account of all money charged or received by them in their official capacities, and also of all expenditures made or liabilities incurred by them on account of the same, and shall annually, on or before the fifteenth day of January, make a return under oath to said controller of such receipts and expenditures for the preceding year.

It would seem from the foregoing that such examination of the accounts by the controller is to be accurate, detailed and exhaustive, such as the nature of his office would indicate. He is aided in this matter by legislation which makes it possible for him as an officer to prescribe for uniformity and correctness in the method of keeping the accounts of the various county officers, and their co-operation with him to obtain the proper result is made a mandatory clause in this section.

In section 49 of chapter 21 provision is made whereby the controller shall make an annual report to the General Court in the proper form and with his suggestions and recommendations.

Section 50 of this same chapter is a penal section and provides for punishment by fine for such officer or person named in sections 47 and 48 who refuses to comply with the provisions of those sections. The controller, therefore, appears to be clothed with specific authority and power to accomplish certain results. The co-operation of those from whom he shall demand certain returns is made mandatory upon them, and negligence on the part of such officers is punishable by fine. Attention is directed specifically to section 49 wherein it is provided that the controller, when making his annual report to the General Court, may incorporate therewith any suggestion or recommendation which he deems advisable for the betterment of the service.

The authority possessed by the Controller of County Accounts is widespread, and in some manner or other permeates various departments of the different offices to which his attention is called as an official of the Commonwealth. In section 47, chapter 21, Revised Laws, it is provided that —

The controller or his deputy shall, without previous notice, inspect the books and accounts of the county treasurer of each county except Suffolk at least once a year and examine all original vouchers for the expenditures made by said treasurer. . . .

In section 48 of the same chapter the power to rule is granted to the office of Controller of County Accounts, in that he may prescribe certain forms for the business management of county offices. This power affects the office of the county treasurer (see sections 11, 13, 24 and 42, chapter 21, Revised Laws). It also affects offices, the work of which claims the attention of the Prison Commission (see sections 3, 4 and 5, chapter 222, Revised Laws; also chapter 224). So too, this power of control and capacity to rule affects offices under the supervision of the county commissioners (see section 11, chapter 224, Revised Laws).

An appreciation of the different forms of legislation affecting the office of Controller of County Accounts has been submitted under date of July 3, 1913, to this commission by Frank L. Dean, Esq., the present incumbent. In the analysis given to the brief of the Controller of County Accounts, it is intended that consideration be given (a) to certain statements made by the controller, (b) to a general consideration of the opinion held by the controller, and (c) to the general conclusions to which a study of the entire contention seems to lead.

In the opening paragraph of the brief the Controller of County Accounts (who shall hereafter be named the controller) offers for study that part of section 48 of chapter 21, Revised Laws, which provides as follows:—

... *may* prescribe a classification of receipts and expenditures and a uniform system of receipts, certificates, vouchers and exhibits . . .

in the various county offices. Continuing, the controller states, "This was done in the master's office and these accounts are correct."

This statement by the controller is not entirely clear, inasmuch as it refers to a minor part of the complete purpose of the section. Attention is invited to that part of the section which reads as follows:—

He [the controller] or his deputy shall also visit, at least once a year without previous notice, all other county officers who receive money payable by them to the county treasurer, clerks of the supreme judicial court and the superior court in the county of Suffolk, . . .

Continuing, the section reads:—

and shall make an examination of their accounts and vouchers and the items of receipts and expenditures. . . . He shall require, so far as possible, uniformity and correctness in the method of keeping said accounts. . . .

As has been stated previously, that part of the section which reads, "may prescribe a classification of receipts and expenditures," etc., would appear to confer none other than an auxiliary power in the controller to aid in that duty which is manifestly mandatory and which is stated in the terms, ". . . shall require, so far as possible, uniformity and correctness in the method of keeping said accounts. . . ."

On page 1 following the quotation, "may prescribe a classification of receipts and expenditures and a uniform system of receipts, certificates, vouchers and exhibits" in the various county offices, it is stated by the controller that this was done in the master's office. No mention, however, is made or affirmation adduced to show that the mandatory duty on the part of the controller,

namely, that of examining the accounts and ascertaining the actual amount of money on hand in each of the said departments, was ever done in the manufacturing department. Rather the opposite is expressly stated in the following language: "It was not done in the manufacturing department of the institution for the reason that this office had no control over this department." In support of this statement the controller states that his predecessor "Mr. Prescott believed that other departments had jurisdiction here and directed his deputies not to touch these accounts." The jurisdiction of any one or more departments, when such department is a creature of the law, should not, it would seem, be a question of belief. As a further argument in support of his contention that other departments had jurisdiction here, the controller cites that the Prison Commission approved the bills of this department. Approval of bills of a department is not paramount to a duty of controlling accounts.

In support of the contention advanced, the controller calls to attention on page 1 of his brief, section 44 of chapter 225 of the Revised Laws, and for purposes of clearness this section is cited as follows: —

The warden, superintendent, master or keeper of any institution described in the preceding section may, with the approval of the prison commissioners, appoint such superintendents and instructors to instruct the prisoners in said industries as he and the prison commissioners shall consider necessary. Such superintendents and instructors shall have the same authority relative to the prisoners as the subordinate officers of the institution in which they are employed. Their compensation shall be fixed and they may be removed by the warden, superintendent, master or keeper with the approval of the prison commissioners.

Continuing, the controller states: "The man so appointed in this case, Mr. Kenney, holds his position by virtue of the approval of the Prison Commission and can be removed in the same way he is appointed. He is their man, and his manner of doing business subject to the control of the Prison Commission." It would appear that the section referred to has neither a direct nor indirect bearing upon the point at issue, as it merely provides for the method of appointing the superintendents or instructors in the industrial department of the institution. It defines their authority, provides for their compensation and provides the machinery for their removal from office. They are necessarily the appointees of the master of the institution, and must therefore conform to those rules which are placed upon the master for the business management or the accounts of such institution, or as are made by him for their guidance and direction. In a word, the section referred to offers no light whatever upon the problem relative to the Prison Commission's or the controller's responsibility for the accounting or auditing in the industrial department.

Section 5 of chapter 222 of the Revised Laws, relative to certain obligations incumbent upon the Prison Commission, is cited by the controller, and for study is herewith incorporated as follows: —

They or one of them shall visit each jail and house of correction at least once in six months, for the purpose of inspecting the books and all the affairs thereof and of ascertaining whether the laws and rules are duly observed, the officers competent and faithful and the convicts properly governed and employed; and, for this purpose, they shall have all the powers which county commissioners, or the penal institutions commissioner of the city of Boston, have as inspectors of prisons in their several counties.

In defense of this citation the controller alleges that the Prison Commission's authority is complete, and the proof he offers for this statement is in the following language: "*An inspection of the books and all the affairs of the jail and house of correction and of ascertaining whether the laws and rules are duly observed, the officers competent and faithful,*" — in other words, the Prison Commission's authority was complete."

In the foregoing section it will be observed that certain duties and powers of the Prison Commission are clearly defined. The controller would interpret this section as an evidence of the complete responsibility of the Prison Commission and as a waiver of any responsibility upon the Controller of County Accounts, because that responsibility, he alleges, is placed elsewhere. It cannot be denied that the section herein referred to places upon the Prison Commission the duty of visitation and inspection of books and all the affairs pertaining to the institution, and yet it is also logical to infer that the provision for such duties of the Prison Commission does not constitute a waiver of the distinct duty of the controller to thoroughly examine such books. If this law could be interpreted as relieving the controller from responsibility of inspecting the books of the manufacturing department, it might well be interpreted as relieving him from the responsibility of inspecting other books. The industrial or manufacturing department of the Middlesex House of Correction is, it would seem, an integral part of that institution, and it is logical to infer, therefore, that the books pertaining to such department form an integral part of the property of such institution. It could well be questioned if, as a matter of law or fact, the supervisory powers granted to one commission, department or person over the property of another should ever be interpreted in the light of a direct and absolute responsibility over such property in the department or person supervising.

Upon page 2 of the brief submitted the controller states that his predecessor "Mr. Prescott was warranted in believing that the law provided for a proper supervision of these accounts by the Prison Commission." In support of this view, attention is directed in the controller's brief to section 9 of chapter 222 of the Revised Laws, which, as the controller states, requires the Prison Commission to make an annual report and to include in such report figures dealing with the receipts and expenditures of the house of correction. This section, it is alleged, bears out the contention of the controller that it was the duty of the Prison Commission to examine the accounts of the industrial department.

So much of said section 9 as is essential for examination is herewith quoted as follows:—

... the report shall state the industries which have been carried on in the institutions named in section forty-three of chapter two hundred and twenty-five [this section includes houses of correction] during the year, the number of prisoners employed in each, the greatest and smallest number thereof at one time, the kind and quantity of goods manufactured, the amount thereof sold to such institutions and otherwise and the prices received therefor. . . .

It is apparent that this section cannot support the contention of the controller to the effect that, based upon such section, there could be any duty on the part of the Prison Commission to exercise any such supervision over the accounts as would in any way affect the duty or responsibility of the controller. This section merely requires the Prison Commission to include in

their annual report figures dealing with the receipts and expenditures of houses of correction. The controller's comment contained in the last paragraph, page 2 of his brief, indicates that he has confused the Prison Commission's responsibility of reporting certain financial transactions with what the controller considers their responsibility to examine accounts. The responsibility of presenting statistics or reports of financial transactions is an entirely distinct matter from responsibility to examine account.

Reference is made by the controller to section 11, chapter 224 of the Revised Laws, which provides as follows: —

The county commissioners of the several counties and the penal institutions commissioner of the city of Boston shall cause the rules which are established for the management of the house of correction and for the government of the prisoners therein to be strictly observed, *shall examine all accounts of the master relative to the expenses of the institution* and shall keep a record of their official proceedings relative thereto.

Continuing, the controller states that "The expenses of the institution could not be arrived at without reference to an examination of the accounts in the manufacturing department." This is undoubtedly true, and it is equally true that a thorough examination of the accounts of the institution, such as is required of the controller, could not be obtained without examination of the accounts in the manufacturing department.

Continuing his line of argument the controller advances, in support of his contention, section 34 of chapter 224 of the Revised Laws relative to the county commissioners. The section reads as follows: —

[They] shall . . . *examine and audit* the accounts for the care and expense of supporting and employing the persons committed to the houses of correction in their county, and certify what amount is due for supporting and employing each person *after deducting the net profit of his labor*. . . .

The Controller of County Accounts further states that "The 'examination and audit' of the manufacturing books must necessarily be made for the purpose of ascertaining the 'net profit of the man's labor.'" This argument is valueless, inasmuch as the aforesaid mentioned section (section 34, chapter 224, Revised Laws) was repealed by chapter 211 of the Acts of 1904, which reads as follows: —

SECTION 1. Sections thirty-four, thirty-five, thirty-six and thirty-seven of chapter two hundred and twenty-four of the Revised Laws, relative to the recovery of sums expended for the support of poor convicts, are hereby repealed.

The general contention of the controller would show that he has authority over the accounts of houses of correction, with the exception of the accounts of the manufacturing or industrial department. He contends that responsibility for the accounts in the manufacturing or industrial department rests with the Prison Commission and with the county commissioners. It would appear that a general consideration of the intent of the statutes relative to auditing, inspecting and supervising accounts, especially since the enactment of the law in 1887, which created the office of Controller of County Accounts, leads to the conclusion that it might well have been the intent of the Legislature to provide that accounts of all State departments and institutions, and of all county departments, offices and institutions should be under the control

of some accounting and auditing officer. In the case of State departments the State Auditor has jurisdiction in all instances; in the case of county departments, offices and institutions the Controller of County Accounts acknowledges that he has jurisdiction in all cases, with the single exception of the accounts of the manufacturing departments of such institutions. If his contention be true, then the manufacturing departments of such institutions as houses of correction are exceptions in that they are departments which are not under the jurisdiction of the Controller of County Accounts, and being county institutions are clearly beyond the jurisdiction of the State Auditor. It is not reasonable to believe that the Legislature intended to leave such a gap by not conferring upon some auditing officer the auditing of the accounts of departments, whether State or county. The Middlesex House of Correction is manifestly a county institution, and the logical inference would be that all the accounts of such institution be made the subject of attention on the part of the Controller of County Accounts. It is a matter of record that Controller Dean has himself advocated a change in the accounting system employed in houses of correction.

Statutes relating to County Officials.

It has been stated in the introduction to this report that the formal end of the present investigation and report should deal with such cause or causes of whatsoever nature as may concern in any manner departments under the control of the Commonwealth. It has also been shown that the two departments of the Commonwealth concerned with the recent defalcation are the Prison Commission and the Controller of County Accounts. A review of what would appear to be the legal obligations and relations of these departments with reference to the Middlesex House of Correction has been attempted. It is necessary, however, in order to accord the subject an impartial treatment, to consider other departments not directly within the control of the Commonwealth, and yet in some manner or other concerned with the problem at hand.

For this reason, therefore, it has been deemed advisable to treat in a general way of the powers and duties of the county commissioners, the county treasurer, as well as those of the sheriff of Middlesex County. They shall be taken up in the order named.

County Commissioners. — In sections 12 to 36, inclusive, chapter 20 of the Revised Laws, may be found legislation pertaining to the powers and duties of county commissioners. Only such sections of this chapter as may have a possible bearing upon the problem will be cited and discussed. Attention is directed to section 24 of this chapter wherein the general powers of the county commissioners are set forth, and because of the importance of this section it is given herewith verbatim: —

The commissioners shall have authority,—to provide for erecting and repairing court houses, jails and other necessary public buildings within and for the use of their county; but no money shall be paid or liability incurred for such erection or repair in excess of the amount specifically authorized by the general court therefor, except for their repair in case of emergency.

To represent their county, and to have the care of its property and the management of its business and affairs in all cases not otherwise expressly provided for.

To establish a seal for their county, which shall be in the custody of their clerk and shall be affixed to all processes issued by them in cases in which a seal is required.

In the second paragraph of this section authority is granted the county commissioners to have the care of county property and the management of its business and affairs in all cases not otherwise expressly provided for. The tenor of this paragraph should be borne in mind in view of the analysis which shall be given later to section 11 of chapter 224, Revised Laws, which deals specifically with the duties of county commissioners in respect to houses of correction.

Continuing the discussion relative to the second paragraph of this section, it should be noted that the law expressly places an authority in the county commissioners which concerns the management of county business and affairs. It would seem, therefore, that a compliance with this section could well be interpreted as a duty performed by such commissioners, whether acting by themselves or by duly authorized agents, to engage in such careful scrutiny of the affairs of the county as would be expected from a reasonably prudent official. As has been previously stated, the accounts of the house of correction form an integral part of the life of such institution, and a study of the management of such institution would necessarily include a care and scrutiny over any accounts therein contained.

This general obligation of care and responsibility in reference to the management of county business assumes a specific form when attention is directed to section 11 of chapter 224 of the Revised Laws. Because of the importance of this section it is herewith presented for consideration: —

The county commissioners of the several counties and the penal institutions commissioner of the city of Boston shall cause the rules which are established for the management of the house of correction and for the government of the prisoners therein to be strictly observed, shall examine all accounts of the master relative to the expenses of the institution and shall keep a record of their official proceedings relative thereto.

The general power and authority granted the county commissioners in section 24 of chapter 20 of the Revised Laws, in reference to the care of county property and the management of its business, assumes a definite character in section 11 of chapter 224 of the Revised Laws, as hereinbefore mentioned. This section enjoins upon the county commissioners the duty of enforcing the rules established for the management of the house of correction and for the government of the prisoners therein, and it also specifically states that they (the county commissioners) "... shall examine all accounts of the master relative to the expenses of the institution and shall keep a record of their official proceedings relative thereto."

The duty imposed upon the county commissioners relative to the accounts of the master is apparently a mandatory one and extends, as the section states, to all accounts of the master relative to expense, whether those accounts be in one or several departments of the institution. It would appear that the duty of examination as prescribed in section 11 of chapter 224, and made incumbent upon the county commissioners, should be a duty of such close scrutiny as might well be expected of a reasonably prudent official in the exercise of ordinary care and diligence.

As has been stated in reference to the duties of the Prison Commission, it is also here affirmed that if the county commissioners were acting in accordance with the duties imposed upon them by section 11, as hereinbefore referred to, an examination by these officials would have occasioned the query

as to whether or not the accounts of this institution had been made the subject of an audit. If no such problem presented itself to their minds it would seem that they were evidently lax in the performance of the duty imposed upon them. It cannot be said that a cursory glance, a superficial look at books of account, can ever meet the requirements of an examination, and the examination, if it could be termed such, could be effected in no other manner than that of a close scrutiny, and a determination by the officials concerned, of the condition of accounts examined by them. Even a reasonably prudent and general examination of such accounts would have brought forth the query as to whether or not these accounts were ever made the subject of an audit.

It might be offered here as an objection that a query made by the county commissioners, as to whether or not the books of account were made the subject of an audit, would be an interference with the duties imposed upon another official for the auditing of such books. Such objection, however, would appear untenable. It frequently happens that compliance with the law imposing a duty upon one official oftentimes brings that official into contact with another official or department; failure, however, to act in accordance with duty imposed by law because of a possible conflict with another official or department should not be accepted as excuse for nonfeasance on the part of any department, official or person.

While no brief has been submitted by the county commissioners relative to their appreciation of the legal duties in connection with the house of correction and the examination of accounts therein, statements have been made by Levi S. Gould, chairman of the county commissioners, now in his seventeenth year of service, relative to the interpretation placed by the commissioners upon the legislation in reference to the examination of accounts in houses of correction. This appreciation is to be found on pages 46 to 62, inclusive, in the testimony offered by the county commissioners at the hearing relative to the recent defalcation held before the Commission on Economy and Efficiency on July 3, 1913.

It is sufficient for the purpose in hand to summarize briefly the contention of the county commissioners relative to the duty of examining accounts in houses of correction. In reply to a question as to whether or not the accounts of the master of the house of correction were ever examined by the county commissioners, the following reply was made by Mr. Gould, and is to be found on page 46 of the hearing referred to:—

I have examined them myself personally for the whole time that I have been a member of the board. That is, I have examined the accounts that were sent to us or brought to us by Mr. Smith, the bookkeeper; checked every bill, and every item on the books, added up all the books. You will find for about sixteen years, my name attached to the bottom of every one of the books that I had personally examined every item of expense connected with the house of correction.

Continuing, on page 46, and in reply to the question as to whether or not the commissioners had ever examined the books of the department of industries in the house of correction, Mr. Gould makes the following reply: "Never." In answer to a question why he had not examined them, Mr. Gould replied: "I never knew anything about that part of it." Further, and replying to the question found on page 47, as to whether or not he thought the accounts of the manufacturing department of the house of correction were the accounts

of the county, and that the county commissioners should inspect and examine them, Mr. Gould made the following statement: "I consider that the accounts of the manufacturing department were connected with the Prison Commission and that the county commissioners had no oversight."

Mr. Gould, further speaking in behalf of the county commissioners, stated, on page 47, that in his opinion all the provisions of section 11 of chapter 224, which provided for an examination by the county commissioners of all the accounts of the master, had been complied with. He also declared, on page 48, that the county commissioners had nothing whatever to do with the accounts of the industrial department of the house of correction. No authority other than his interpretation of the law was advanced by Mr. Gould in support of his contention, and the appreciation of the law relative to the duties of the county commissioners, in this respect and as offered by Mr. Gould, might well be questioned.

County Treasurer. — Sections 8 to 44, inclusive, of chapter 21 of the Revised Laws deal with the powers and duties imposed upon county treasurers. General reference only will be made to the sections embodying the powers and duties of this office, and they are as follows: —

In section 8 it is provided that each county treasurer shall collect and receive, as well as keep, all money belonging to the county. In section 11 it is provided that all bills and vouchers and other evidence of county indebtedness be filed and kept by such treasurer, and in section 13 of the same chapter it is provided that each county treasurer shall keep and file an accurate account, stating when and from whom and on what account money has been received, and when and to whom and on what account payments have been made. As a receiving and disbursing officer of the county, the treasurer must needs act within well-defined limits, and his scope of activity with reference to the problem at hand is perhaps well determined in sections 13 and 42 of chapter 21 of the Revised Laws.

In section 13 the law provides that the books of the county treasurer shall be kept in the form prescribed by the Controller of County Accounts, and in section 42 of the same chapter it is provided that sheriffs, masters of houses of correction and others, when making payment to county treasurers of public funds, shall deliver therewith a sworn certificate of such details as the Controller of County Accounts prescribes. While an active official of the county, and one to whom payments were made by the master of the house of correction, the county treasurer, however, could, it would seem, well rely upon section 13 and section 42 for the validity and accuracy of such payments as were made to his office by the master of the house of correction. It would seem, therefore, that no particular participation in this problem can be assigned to the office of county treasurer, and such references as have been made to his office, powers and duties have been set forth with an idea of completeness rather than that of criticism.

Sheriff. — A general review of the legislation applicable to the powers and duties of the sheriff is to be found in sections 1 to 21, inclusive, of chapter 23 of the Revised Laws. Only those sections, however, which have a particular bearing upon the purpose of this report shall be cited and discussed.

In section 20 it is provided that sheriffs shall keep an account of all fees and moneys received by virtue of their offices, and shall annually render to the treasurers of their counties an account thereof under oath, and pay over to such county treasurers all moneys received by them except as provided

otherwise. Section 19 makes it possible for the sheriff to personally perform the duties of jailer or master of the house of correction, and provides for the compensation for this work when such duty is assumed by the sheriff.

The foregoing sections referred to, therefore, place upon the sheriff the responsibility of maintaining an account of all moneys received and paid by him, and permit the sheriff of the county to assume the actual duties of jailer or master of the house of correction. Thus it would appear that if the sheriff assumes the position of master of the house of correction, he also takes upon himself all the responsibilities thereunto pertaining. Such responsibility manifestly is concerned not only with the discipline of the jail or house of correction, but also with the business management of the property intrusted to the care of the sheriff who acts as master.

In section 42 of chapter 21 of the Revised Laws it is further provided that sheriffs, masters of houses of correction, keepers of jails or truant schools, or other public officers, when making payments to county treasurers of public funds shall deliver therewith a sworn certificate of such details as the Controller of County Accounts prescribes. This section, therefore, provides for a sworn statement to be made by the sheriff to the county treasurer of all moneys received and paid out by him as master of houses of correction or as keeper of jails. It is only reasonable to assume that the sheriff, as master of the house of correction, should exert and exercise care and diligence in the supervision over these accounts as imposed upon him in provisions of the law.

The appointments of officials and employees in the house of correction are made, as has been stated, by the sheriff, and in general these appointments are to meet with the approval of certain boards or commissions. It would seem reasonable, therefore, that the sheriff or master should exercise the greatest care in the appointment of those in whom a trust is imposed, and that a careful scrutiny of the work of such subordinates or employees should be always a part of the duty of the master of the institution. While it does not provide specifically that the sheriff of such institution should examine its accounts, it is logical to contend as a matter of fact that a reasonable exercise of his duties as master would have enabled him as head of the house of correction to possess a more intimate knowledge than belief that the books were properly examined.

No brief containing an appreciation of the law governing his office has been submitted by the sheriff of Middlesex County. Information relative to his understanding of his duties and responsibilities may be obtained from pages 20 to 41, inclusive, of the testimony offered by the sheriff at a hearing before the Commission on Economy and Efficiency under date of July 3, 1913.

Upon page 21 of this document, and in reply to a question as to what business was delegated by the sheriff to others, Mr. Fairbairn, sheriff of Middlesex County and master of Middlesex House of Correction, made the following statement:—

I have two deputies who have general charge in my absence. I don't delegate much of anything to agents except when I am not there. I have a general supervision myself as far as I can.

The sheriff also continued to state upon this and succeeding pages of his testimony that appointments in the house of correction in the manufacturing department were made by himself, subject to the approval of the Prison

Commission. On page 24 of this document, and in reply to the query as to whom he was responsible for the performance of his duty, the sheriff made the following statement:—

I suppose, if I am responsible to any one, it is to the citizens of Middlesex County. I suppose that is who I am responsible to, if anybody. I only know this, that I have relied entirely on the auditing of my books by the Controller of County Accounts department, and I was very much surprised when I found there was anything wrong about them. I have been there seventeen years, and the books had been audited, as I supposed, each year by the Controller of County Accounts, and I had never heard one word or question of suspicion as to any trouble or errors in the accounts, or any trouble with the system in any way.

The sheriff then stated that his first intimation of anything wrong with the accounts was when Mr. Taylor (deputy controller) discovered the shortage on March 31, 1913, the date on which the audit requested by the sheriff was commenced.

It would appear that the sheriff placed, as he stated, entire dependency upon the auditing of his books by the Controller of County Accounts, and, as he also states on page 26, he paid no attention as to what books were ever audited. To quote Mr. Fairbairn's statements verbatim; in reply to the question as to whether he was present when the books were being audited by the county controller:—

Well, present in this way. Mr. Smith's office is located between the front door and my office, and I may have dropped in and gone through there, but never to stay there.

Did you ever notice the books that were being audited? No.

Continuing, the question was raised, "Have you any knowledge as to whether or not Mr. Kenney's books were there when these books were being audited?" And the answer made was as follows: "No actual knowledge. Smith told me he wanted Kenney's books, to have them audited."

It would seem, therefore, from direct testimony of the sheriff that he placed a remarkable degree of confidence in the office of Controller of County Accounts in reference to the auditing of the books; that he never knew that the books of the industrial department were audited; and that he was never completely aware as to whether or not all of the accounts of the jail or house of correction were being made the subject of an audit. It would seem reasonable to assume that, as master of the house of correction, Mr. Fairbairn should have interested himself in being present when the books were being audited, and should have made such inquiries as a reasonably prudent man would have made in the management of such business.

The sheriff and master should not have relied wholly upon an annual audit by the Controller of County Accounts to determine whether or not the finances of the house of correction were being properly handled and accounted for. It is not reasonable to assume that the head of any State or county department should rely wholly upon the auditing officer of the State or county to determine whether or not the finances and accounts of his department are being properly attended to. He should be thoroughly familiar with the business methods of his department, and should be at all times informed as to the manner in which the finances are handled and accounted for. It is only fair to assume that the money of the county is not properly safeguarded when dependence is placed wholly on the auditing officer.

The master, Sheriff Fairbairn, is in charge of the house of correction, including the manufacturing department. He is directly responsible for its management, and it is clearly his duty to insure that his agents and subordinates conduct the business of the institution properly. The master should have inquired into the methods in use and should have corrected the loose and haphazard practices which have been followed in the conduct of the business, especially in the handling of orders for the purchase of goods, in the receipt and indorsement of checks in payment therefor, and in other business practices. Proper administration and control of the institution, and the elimination of loose methods of conducting the business, are as essential to the safeguarding of the county's interests as is a proper audit of accounts.

The responsibility of the master of the house of correction, while not that of an auditing agent, and while not commanded by law to examine minutely the accounts of said institution, should be such, however, as to warrant on the part of the master an intimate knowledge of the workings of the institution and all the affairs pertaining thereto. The master is undoubtedly a public official, and his position and responsibility, is, it would seem, analogous to that of a trustee, and while not specifically so stated in the law, he is, nevertheless, obviously encumbered with the duties of a trustee of public funds. It would appear, therefore, that a conservative appreciation of such duties would have made the master of this institution reasonably suspicious, and this undoubtedly would have led to a closer scrutiny of the business affairs and accounts of the institution, and would have tempered an unwarrantable trust and belief in the efficacy of other officials than himself.

Respectfully submitted,

COMMISSION ON ECONOMY AND EFFICIENCY.

DEPARTMENT OF WEIGHTS AND MEASURES.

Early in the year the commission's attention was directed to matters connected with the Department of Weights and Measures, involving alleged irregularities in its administration. Accordingly, a careful investigation was made of certain features of this department. As a result, it was ascertained that the official who at that time was serving as head of the department was then and had been for some years practicing irregularities in the preparation of his expense accounts. This official, when confronted with the facts collected by this commission, readily confessed to these irregularities, and the whole matter was then reported to the Governor and Council by the Commission on Economy and Efficiency. The facts contained in this report were given immediate consideration by the Governor and Council, who unanimously concluded that the commissioner should be at once dismissed from the State's service. After his dismissal from office restitution was made by the deposed official to the State treasury of such moneys as he had misappropriated throughout the period in which irregularities had been practiced.

PART II.

PENDING INVESTIGATIONS AND RECOMMENDATIONS.

REPORT ON FUNCTIONS, ORGANIZATION AND ADMINISTRATION OF THE STATE GOVERNMENT.

Part I. of this report reviews the work of the commission in connection with the preparation of important reports that have been submitted during the year 1913 to the Governor and Legislature. The purpose of this section is to set before the Legislature a general survey of the matters upon which detailed special reports are being prepared.

Following the close of the session of the Legislature, the final work of preparing the necessary blanks and formulating the questions relating to the different departments of work within the Commonwealth was taken up by the commissioners. The forms and blanks prepared for the collection of information were sent on Sept. 1, 1913, to every department of service within the Commonwealth. The questions were carefully considered, and were intended to be sufficiently broad and comprehensive to cover the activities of all State departments. Some of the questions and forms for answers, while applicable to many departments, had no direct bearing on the work of other departments. Because of the comprehensiveness of the forms submitted, and because so few State officials had ever carefully studied the organization and administration of their departments, difficulty was experienced by some departments in preparing the information required by the commission.

Friendly co-operation, however, is to be noted in the efforts made by all the departments of service within the Commonwealth to fully comply with the wishes of the commissioners in preparing the important data which were necessary for a proper foundation for constructive work in connection with a better organized system of State government.

This report upon the functions, organization and workings of the many departments of service within the Commonwealth will be presented in a separate volume upon its completion in Jan-

uary. The commission believes that it will be one of the most important documents that could be placed in the hands of those citizens who are interested to learn definitely about the work of the State government and its present complex organization, and that the report cannot fail to be an important aid in every effort that may be made either to correct abuses that have crept in or to develop present satisfactory conditions into greater efficiency.

PERSONAL INVESTIGATION OF DEPARTMENTS BY COMMISSIONERS.

As a further aid to the commission in its study of the needs of the State, it seemed that a larger personal knowledge of the work of all the departments of service was necessary, and with this in mind the commissioners have spent much time since September 1 in visiting the important State institutions and becoming personally acquainted with the individuals in charge, the methods employed and the work performed. This work has, because of limited time, reached thus far only a portion of the State departments of work, and has been confined largely to investigating and considering the different State institutions dealing with the many forms of delinquents.

CARE OF DEPENDENTS AND DELINQUENTS.

Important as many of the other functions of government are in their relation to the administration of affairs in the Commonwealth, the problems involved in such work as is under the supervision or control of the State Board of Insanity, the State Board of Charity and the Prison Commissioners, and the tremendous demands they are making upon the taxpayers of the Commonwealth for continued maintenance and constant enlargement and development, have led the commissioners to believe that the most pressing question for their first consideration and for legislative action is the care of dependents and delinquents. Hence, there has been given to this problem the first attention and the larger part of such consideration as the commissioners have been able to give in the time at their disposal to the important problem of more efficient and economical administration.

This investigation of the different State institutions, to be treated in a special report having to do with the "care of delinquents," will cover a wide range of matters of vital interest to the Commonwealth, among which are the following: —

Institutional Accounting.

It was early discovered by the commissioners that the system of accounting is open to considerable criticism. The recommendations to be made by the commission for improved methods will be based upon information obtained by a careful investigation on the part of the commissioners, whose findings abundantly justify the belief that much more could be accomplished than has been in developing an adequate and uniform system of accounting in all of these institutions, out of which the public might obtain accurate information for making sound comparisons and forming well-grounded conclusions. To-day no accurate comparisons can be made. No reliable conclusions can now be formed because of the large amount of guesswork governing many of the reports rendered by the officials in charge of different State institutions, and, further, because of arbitrary rulings and ratings made by the central Board having oversight of the different institutions. Details of the discrepancies found will be set forth and suggestions made, which it is believed may help in improving present conditions.

Inmate Labor.

The question of the employment of State wards in different forms of labor is one of the most vital that the State can take up at the present time. There are many people who believe that such patients as are fitted, physically and temperamentally, to perform work which is efficient and of value to the Commonwealth, should receive recompense, to be devoted in turn to maintaining their families at home. Whatever may be the final disposition of this particular view of the question, there is not the least doubt but that some method should be employed which would show the value of inmate labor now applied to the many different forms of activity found in State institutions.

Construction of Institutional Buildings.

The construction of buildings at the different State institutions has gone on in a haphazard manner. There is nothing uniform about the planning or the method of constructing, and the unit cost of buildings developed under the present system, for the same sort of service, varies nearly 100 per cent. between different institutions. There is a serious waste in the high unit cost

which demands drastic action, and recommendations will be made by the commission to change the present extravagant methods followed in some of the institutions.

Institutional Farming.

"Farm efficiency," as far as the management of many of the State institutions is concerned, is an unknown phrase. Book-keeping methods are so faulty in many of the institutions that it is impossible to find satisfactory data for a basis of farm reports. As accurate figures as can be now furnished will, however, be presented, showing the cost of producing milk, which is one of the most important products of the farm. The wide variation noted in the different details going to make up the final cost as reported will emphasize the varying degrees of efficiency in different institutions, which mark the conduct of these important parts of the State's service.

Quality of Food.

The question as to whether or not the quality of food furnished the different wards of the State is as high as it should be demands careful thought and consideration, at the earliest opportunity. With separate purchasing agents for each institution it is easy to have many different standards, any one of which might be satisfactory to one critic, while to another it would be considered of inferior quality. This whole matter is very largely involved in the larger subject of a central purchasing agent and the standardization of supplies, to be taken up in a special report.

Consolidation of Departments.

The Commission on Economy and Efficiency will recommend, in the special report dealing with this problem, a comprehensive plan for the reorganization of all departments having to do with the care of delinquents. Each succeeding year the problem of directing the work of treating different forms of disease, and problems associated with the correctional or other institutions, more clearly demand a uniform system of administration and control.

Sixteen Boards of Trustees, directing the affairs of 29 different institutions, and 11 State departments of service, exercising a greater or less control over all of the different forms of delinquents, make a divided authority in charge of this important work and of the enormous expenditure of money involved.

Many of the institutions perform similar work, but, because of the different points of view held by the several Boards in control, marked differences in efficiency are to be noted.

In several of the institutions a number of different Boards have greater or less control, so that it is difficult to entirely eliminate conflict of authority, frequently noted in dealing with a single problem.

In 1913 the sum of \$5,557,800.14 was appropriated for maintaining the 29 different institutions considered under this head. In addition to this sum there was appropriated the further sum of \$1,522,152.93 for new buildings and equipment to care for the growth of the different institutions. The central oversight which the State exercised over the expenditure of the larger part of this money was left practically to the Board of Insanity and the Board of Charity; but the indirect and superficial oversight which marks the work of these two Boards leads the commission to believe that there is at the present time no adequate clearing house, either for ideas or business methods, to bring about an efficient and economical administration of these important public services. In addition to the above sums, \$1,267,207.33 was appropriated directly for the Boards of Insanity and Charity and other offices concerned with the care of delinquents for the work of administering their own immediate departments.

The trustees of the different institutions are by law the actual controlling force in the administration of the affairs within their separate institutions. It is true that there is more or less of a veto power conferred by law upon the Board of Insanity and the Board of Charity, but it is a power that seldom runs in conflict with the authority vested by law in the particular Board of Trustees, and so superficial and indefinite does this control appear that there would seem to be no possible way for clearing the situation, except by making a complete readjustment of the management of these institutions.

The Commission on Economy and Efficiency will recommend, in detail, such a reorganization of all these Boards as will center the administrative work entirely in the hands of one administrative Board.

Careful consideration and investigation are being given to the establishment of such Boards of visitors as may be helpful forces in determining particular policies which should prevail in individual institutions dealing with particular problems. These visiting Boards should, however, be carefully selected, with the

one thought in mind of helping in the medical and correctional policies rather than in any direct relation to the business administration of the institution.

The commission is fully convinced that only by a complete separation of the business administration from the medical and correctional administration can proper methods be applied and the best results secured, either from the standpoint of the benefit of the 22,000 inmates, or a proper regard for the expenditure of nearly one-half of all the money raised by the annual tax levy of the Commonwealth.

COMPENSATION OF STATE OFFICIALS AND EMPLOYEES.

No standard of salaries exists in relation to the service performed by different officials in the Commonwealth. No classification has been made for different qualities of service and different degrees of efficiency which may mark the work done by employees of the Commonwealth. A result of this situation is a very unfair and unequal condition controlling the employment of those who are regularly employed in State departments. Employees engaged in the same sort of work, but in different departments of the State's service, find themselves receiving compensation so unequal as to lead to a constant demand for transfers or changes, bringing about competition between the heads of departments to secure the services of State employees. In an effort to improve this condition the commission has given careful attention to the subject of standardizing positions, classifying employees and adjusting extra compensation, and the information available and conclusions to be drawn from such information will be set forth in a special report devoted to this important question.

CENTRAL PURCHASING AGENT.

The question of better prices is the primary cause for considering better methods in purchasing, but this phase is not the only thing to be considered in taking up the problem. There is not the least question but that advantages would accrue through the establishment of a central purchasing agent, with control over the requisitions from all the different departments of service within the Commonwealth, provided no other extra expenses were to be incurred than those connected with operating the necessary office force to carry out such a business. It is doubtful, however, if many people have appreciated the very large

expense, outside of such an office equipment, that would be required. The purchase of supplies in large quantities would involve large storage facilities and extensive equipment for handling. The determination of the quality of goods purchased, and a system of accounting and management that would insure accurate knowledge of the enormous variety required, are only a part of what is involved in all the details that must be given careful thought in the working out of any plan having to do with the establishment of a central purchasing agency.

A consolidation of all the State departments having to do with the care of delinquents would bring together under one head the many different agencies now serving the institutions which use such a large part of the entire outlay for supplies which the State pays for. Such a change would go a long way toward solving the problem of a central purchasing agency, and if the suggestion to consolidate all these departments should be carried out, it would be possible to make such a test of the central purchasing agency idea as would assist in determining how far the same principle should be applied to all the purchases for all departments of work in the Commonwealth.

The commission is giving careful attention to the question, and will present a special report upon the subject, covering such details as it is possible to work out, and citing sufficient illustrations to show present methods and results that would be possible under one central administration.

Whether it shall be determined to establish a central purchasing agency or not, the commission is convinced that its investigation will show that it is possible to secure improvements over the present methods through more competitive bids and under more business-like conditions than now obtain.

OVERSIGHT OF COUNTY ADMINISTRATION.

The report made by this commission upon the defalcation in Middlesex County reveals conditions that can be remedied only by a more direct and efficient oversight of county affairs by the central government. The present control of institutions and matters placed by law under county officials is believed by many to be lax and unbusinesslike. The powers vested in the present Controller of County Accounts and the Prison Commission are shown by the investigation of the Middlesex County matter to be inadequate in securing any proper oversight on the part of the Commonwealth. If county government is to continue as a

separate branch in public service, it should be subject to oversight on the part of some central authority, having a right to make full and complete investigation of all matters coming before the officials directly in charge.

TEXTILE SCHOOLS AND VOCATIONAL TRAINING.

The textile schools were established in 1895 and were placed under the direction of separate Boards of Trustees. These schools have practically existed as independent educational institutions in very remote relationship with the State Board of Education. Under the earnest and enthusiastic direction of the men constituting trustee boards and faculties, the work accomplished by these schools has been a distinct aid to thousands of young men previously engaged in or influenced to take up work associated with textile industries in Massachusetts.

It is undeniable that the success of these schools has been a large factor in creating a call for broader work of a vocational nature in educational fields. Attendant upon this development comes the problem of more careful supervision of the work of all public educational institutions by State officials charged with the responsibility of administering educational matters.

This long-continued independence of control peculiar to certain educational institutions, and inclusive of textile schools, argues for a careful consideration of the question as to whether or not the time has come to extend the power of direct supervision of the State Board of Education to the point of including within its scope institutions of this nature. The development of the different schools, certain conditions surrounding their present management, work accomplished as well as future prospects, — all will be given careful consideration in the forthcoming report relating to the State's educational system.

In close conjunction with and as a necessary consequence of industrial work in educational fields, there has developed within the past decade a tendency to incorporate vocational training in the educational system of Massachusetts. The State Board of Education maintains a close relationship with this phase of work and possesses a power of supervision and control that argues for the advancement and success of this pedagogical endeavor. Vocational training in its general important relationship with the aim of textile and industrial education, as well as the system and methods to be followed in the execution of the work, are to be given careful attention and study in the report heretofore mentioned.

BUDGET.

The law providing for the Commission on Economy and Efficiency specified, among other subjects, the budget method of appropriating money as one to be investigated and reported upon by the commission. This is a subject not only of large importance, but one which has many phases requiring careful study, so that much time and thought are needed in order to make sound recommendations concerning it.

The experience of the national government and such State and city governments as have taken up budget reform well emphasizes the fact that it is a matter which can be satisfactorily disposed of only by carefully considering the many ways in which it affects present practices.

The commission finds that it is absolutely essential to complete some of the important work now under way, as a necessary aid to the preparation of a definite report on budget making. It may be well, however, at this time to call attention to certain present practices and conditions which seem to be unsatisfactory and to call for some modification. Among other matters involved in budget making, mention may be made of the following practices or conditions as being unsatisfactory at the present time: —

(a) There is a lack of such definite and accurate information as is needed for proper consideration of requested appropriations. In many instances it is difficult, if not impossible, to definitely ascertain the condition of the work for which additional grants of money are sought, and to learn what has been accomplished by past appropriations for the particular work under review. It is also difficult, and in some cases impossible, to now procure information as to the cost of important classes of work, several of which may be conducted within one department. Furthermore, it is frequently impossible to arrive at a significant analysis of the cost of a single undertaking, even to ascertain the amounts expended for new construction, equipment and other capital items, as distinguished from current expenses. This is true in spite of the fact that the law (chapter 597, Acts of 1908) provides that the accounts shall be kept so as to differentiate capital items from expense items. During the course of its investigations the commission has ascertained that some of the figures which purport to represent the cost of new buildings, equipment and other capital expenditures are incorrect, and that con-

siderable sums expended on such account have, as a matter of fact, been charged to and paid from appropriations for maintenance and operation.

(b) It is now the custom for the Legislature to pass a large number of separate appropriation bills, the consideration of which extends through practically the whole legislative session, some bills being passed during the first days and others during the latter days of the session. Such piecemeal legislation, drawn over a long period of time, makes it exceedingly difficult to know whether the money grants are made wisely. It sometimes happens that a single department may receive an appropriation during the early part of the legislative session and another appropriation for similar work later in the session, thus making it difficult for any one to consider appropriations in their relation one to another.

Departmental officials sometimes introduce bills or requests for special appropriations after the beginning of the legislative session and after the regular departmental requests have been submitted to the Auditor, as required by the Acts of 1912 (chapter 719). There appears to be need for a strict regulation compelling departmental heads to submit all their estimates and requests before the tentative budget is made up.

(c) In view of the fact that the fiscal year of the Commonwealth now ends on November 30, and the Legislature meets the following January, and of the further fact that many appropriations are not made until after the Legislature has been in session for weeks, or in some cases months, it is readily seen that the departments and institutions must spend money for a considerable portion of each fiscal year before their appropriations are fully made. This is true to such an extent that legislative control over departmental activities is at the present time materially weakened.

(d) Owing in part to the present complex organization of the State government, and to the fact that numerous departments and branches of the State's service are engaged in the same or similar work, it is difficult, and in some cases impossible with such information as is at hand, to so analyze expenditures and requested appropriations as to compute the amounts of money expended or requested for distinct activities. An appropriation for a given department may be expended for several distinct lines of work, each of which is closely related to or is of the same character as that performed by other departments. It is

thus seen that until provision is definitely made to analyze expenditures and requests along functional lines or lines of governmental activity, as well as along lines of departmental organization, it is going to be difficult to learn how much the Legislature is appropriating for such important activities as education, public health matters, police activities, investigation of labor conditions, etc.

Still other factors might be enumerated which are worthy of careful consideration, but it is believed that the conditions just described are such that members of the Legislature, State officials and others concerned therewith would readily agree that some changes are desirable. In order to effect these changes, however, the commission is convinced that a large amount of preliminary and detail work must be done. For example, among other steps to be taken it will be necessary to give consideration to the following: —

(a) The accounting systems and records of the various departments and institutions must be improved and systematized so as to develop the information necessary to an intelligent and comprehensive study of the many factors which enter into the making of a budget.

(b) Forms must be carefully drafted for use by departmental officials in submitting their estimates and requests, these forms being so designed as to produce the information needed in studying the many phases of the State's finances. This subject alone is of such importance and involves so much study that considerable time should be devoted to it, in order to lay a proper foundation for the several classifications which should be available for the consideration of the Legislature in making appropriations. Among the factors which the estimate forms should cover may be mentioned the function or activity for which the money is requested; the nature of the proposed expenditure, whether for new work or for current expenses; a classification showing the amounts required for different purposes under each proposed main activity, as, for example, the amounts for salaries and wages, the amounts for travel, supplies, equipment and other purposes, arranged under a standard classification which must be prepared. Furthermore, these estimate forms should be designed to show information under all of these heads with respect to expenditures made during the preceding fiscal period, in addition to showing the information for new requests. Such an estimate sheet as is here suggested would involve the making

of careful classifications which must be clearly defined and explained to the many State officials, in order to get accurate and comparable results.

(c) Careful consideration must be given to the fiscal period of the Commonwealth, so as to see what changes should be made to avoid the present unsatisfactory condition of having the departments operate for a considerable portion of the fiscal year before appropriations are made. This subject involves many considerations, such as the time when the many classes of State revenue fall due and are collectable, the present constitutional and legal provisions respecting terms of office, dates for the meeting of the Legislature, etc.

(d) It has already been stated that a more careful classification of expenditures and appropriation estimates should be made according to the activity for which the money was expended or was requested. Realizing this, the commission has had in mind utilizing in its budget study a large amount of information which it has collected in connection with its investigation of the organization and administration of the State government. This work, which is referred to in another portion of this report, is now well advanced, and can be used as a groundwork for a very important part of the coming study of budget making.

It seems clear to the commission that the task involved in preparing a proper budget-making system is an enormous one, but from such facts as are here mentioned, and from such tentative suggestions as are here made, it seems evident to the commission that large advantages will accrue from a careful consideration of the possible changes in the present methods of administering the State's finances.

POLICE AND PUBLIC HEALTH ADMINISTRATION.

Grouped under the heading of police and health, the commission will take up the important work, which now overlaps and interweaves under many different headings, involved in the protection of the public health and in the police power vested in several different branches of service in the Commonwealth. It appears from figures and other data available, and which will be set forth in the commission's report, that a much more simplified system of administration affecting these two important parts of the public service might be worked out than the chaotic methods now followed.

COAL AND COKE LICENSES.

In 1903, under the stress of conditions which seriously restricted the supply of fuel for the citizens of the State, the Legislature passed an act (chapter 484) to provide for licensing dealers in coal and coke. This law specified that every dealer in coal and coke, whether engaged as wholesaler, retailer, agent or peddler, should procure a license from the Secretary of State, upon payment of such fees and complying with such conditions and terms as should be prescribed by the city or town authorities.

In the year 1906 the act of 1903 was amended for the purpose of strengthening the law, and provision was made for the Secretary of State to collect a fee from each dealer. The law as amended by chapter 434, Acts of 1906, reads as follows: —

SECTION 1. It shall be unlawful for any person, firm or corporation to engage in or carry on the business of selling coal or coke, as principal or agent, in any city or town, at wholesale or retail, either by maintaining a place of business or by peddling the same from house to house, or otherwise, without first obtaining a license so to do from the secretary of the Commonwealth.

SECTION 2. [As amended by section 1, chapter 434, Acts of 1906.] The said license may be granted by the secretary of the Commonwealth for such period, and upon such conditions and terms as may be prescribed in cities by ordinance and in towns by by-laws, and upon the payment of such fees, not exceeding one dollar for each year of its continuance, as may be prescribed by the secretary.

SECTION 3. [As amended by section 2, chapter 434, Acts of 1906.] The said licenses may be suspended or revoked at any time by any justice of the superior court, after due hearing, upon complaint in such form as he may require, for using false weights or measures, for charging exorbitant or excessive prices, for conspiring, combining unlawfully with other persons, or unlawfully discriminating in the conduct of said business, or for any other just and sufficient reason.

SECTION 4. [Repealed by section 3, chapter 434, Acts of 1906.]

SECTION 5. It shall be the duty of any licensee as aforesaid to give public notice that he holds the license by displaying the word "licensed", and the number of his license at his place of business and on all vehicles employed by him in his business and in such other manner as the licensing authority may direct. It shall be unlawful for any such persons, firms or corporations not so licensed to designate himself as licensed or to use the word "licensed" upon any vehicle or in any place.

SECTION 6. Whoever violates any provision of this act shall be punished by fine of not more than fifty dollars, or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment.

It is doubtful if at any time following the enactment of the above law there has been any satisfactory enforcement of its

provisions. Without any suggestion as to the reasons, it is quite proper that this commission should call the attention of the Legislature to results which have been secured under the law for the year 1912.

It is impossible to give a complete return, but it is evident that if the law is to remain upon the statute books some change should be made in its provisions, and some method of enforcing it be provided, by which the real purpose of the original legislation may be accomplished.

During the fiscal year 1912 dealers in coal and coke paid into the treasury of the Commonwealth the sum of \$3,335, on account of the \$1 fee required under the statute quoted above. The Commission on Economy and Efficiency has requested reports from the various officials who are supposed to have some knowledge of conditions as to the number of coal and coke dealers in different cities and towns, but it is practically impossible to secure accurate returns. This commission has endeavored, however, to procure reports from representative cities, including both those making active efforts to enforce the law and those largely ignoring it. The extent to which the law is enforced in the several cities and towns depends entirely upon the activities of local officials. It should be emphasized that the responsibility for enforcing the law is so divided and uncertain as to raise a doubt concerning the action which local officials should be expected to take for its enforcement. The following cities and towns may be cited as illustrations of the extent to which the law is enforced in such places as have made returns to date:—

| CITIES. | Reported Total Number of Dealers. | Number Paying Fee in 1912. | Per Cent. of Total. |
|-----------------------|---|----------------------------------|------------------------|
| Chelsea, | 259 | 130 | 50.2 |
| Everett, | 157 | 11 | 7.0 |
| Fall River, | 450 | 25 | 5.5 |
| Lowell, | 242 | 11 | 4.5 |
| Salem, | 207 | 17 | 8.2 |
| Worcester, | 750 | 450 | 90.0 |
| Total, | 2,065 | 644 | 31.2 |

It is significant to note that in Lowell fees are paid by only $4\frac{1}{2}$ per cent. of all dealers, while in Worcester, by 60 per cent. of the dealers.

It is estimated that in the entire Commonwealth there are 30,000 dealers engaged in selling coal and coke, and these dealers, under the existing law, should pay into the treasury of the Commonwealth the sum of \$30,000 annually, or over \$26,500 more than the present receipts from this source.

This commission understands that a recommendation will be made by the Commissioner of Weights and Measures that the work of enforcing this law be placed under the control of his department, which is better equipped to perform the work than the Secretary of State's office, because of the fact that the Department of Weights and Measures has several inspectors who could assist somewhat in the enforcement of the law.

It is very doubtful, however, if a few inspectors could successfully enforce a law applicable to so many dealers, a very large percentage of whom are proprietors of small, inconspicuous stores selling small quantities of coke. It is believed that the local sealers of weights and measures could enforce the law more satisfactorily, and that the primary responsibility for its enforcement should be placed upon them. In some cities, as Worcester and Chelsea, which are included in the list given above, the local authorities have made some efforts to see that the law is obeyed, with the result that the fee is paid by a much larger percentage of dealers than in cities where the local authorities are inactive. Since the business is so largely local, and since a large percentage of the dealers in coal and coke are visited by the local inspectors in connection with other duties, it appears wholly logical to put the enforcement of the coal and coke license law upon them. Supervision over the local sealers in this particular could to advantage be placed in the Commissioner of Weights and Measures.



